

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT  
AGENDA  
ROSE ROOM  
CREEKMORE PARK COMMUNITY CENTER  
5:30 P.M.  
January 14, 2020**

**I. PLEDGE OF ALLEGIANCE**

**II. ROLL CALL**

**III. APPROVAL OF MINUTES FROM December 10, 2019**

**IV. STAFF COMMENTS AND PROCEDURES**

1. Home Occupation #1-1-20; A request by Nina L. Diaz, owner, for an aesthetician and skin care business at 618 Belle Avenue.
2. Rezoning Application #1-1-20; A request by Conner Threet, agent for ERC Create, LLC and Fort Chaffee Redevelopment Authority, for a zone change from Not Zoned to Residential Single Family High Density (RS-4) at 10501 Chad Colley Boulevard.
3. Development Plan / Plat Deferral #1-1-20; A request by Conner Threet, agent for ERC Create, LLC and Fort Chaffee Redevelopment Authority, for a Development Plan / Plat Deferral at 10501 Chad Colley Boulevard.
4. Rezoning Application #2-1-20; A request by Conner Threet, agent for ERC Create, LLC, for a zone change from Residential Single Family-Duplex Medium/High Density (RSD-3) to Residential Multifamily High Density (RM-4) at 7902 Veterans Avenue.
5. Development Plan #2-1-20; A request by Conner Threet, agent for ERC Create, LLC, for a development plan approval for a multifamily development at 7902 Veterans Avenue.
6. Master Land Use Plan Amendment #1-1-20; A request by Blew & Associates, agent for O'Reilly Automotive Stores/Robert E. Plunkett Living Trust for a Master Land Use Plan Map Amendment from Residential Detached to General Commercial at 5500 Towson Avenue.
7. Rezoning Application #3-1-20; A request by Blew & Associates, agent for O'Reilly Automotive Stores/Robert E. Plunkett Living Trust, for a zone change from Commercial Heavy (C-5) and Residential Multifamily Medium Density (RM-3) to Commercial Heavy (C-5) at 5500 Towson Avenue.
8. Development Plan #3-1-20; A request by Blew & Associates, agent for O'Reilly Automotive Stores, for a development plan approval for an auto parts and accessories sales facility at 5500 Towson Avenue.
9. Rezoning Application #4-1-20; A request by Brett Abbott, agent for Rebecca Evans, for a zone change from Not Zoned to a Planned Zoning District at 7624 Taylor Avenue, 7511 & 7501 Collier Street, 12300, 12302 & 12306 Ward Avenue.

### Voting Procedures

Chairman: Introduce the item

Staff: Presents the item

Chairman: Asks for those wishing to speak in support, then asks for those wishing to speak in opposition. Note: Planning Commission does not “debate” the issue at this time.

Chairman: Following presentations by staff and comments by the public, the chairman asks for a (main) motion. Motions should be in the positive not the negative.  
Examples: I move to Approve as submitted or I move to approve with staff comments.

Chairman: Asks for discussion on the main motion.

Planning Commission: Discussion, questions and debate by the planning commission. It is very helpful if the Planning Commission articulate why they are voting on an item and especially if voting against the motion to approve.

Chairman: Following Planning commission discussion, the chairman asks for any amendments. If there are any amendments then a motion to amend and a second is required. Ask for discussion on the motion to amend. Then vote on the amendments and if the amendments are approved, then;

Chairman: Calls for a vote on the amended main motion, or  
If the main motion was not amended then vote on the main motion.

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT  
MINUTES  
ROSE ROOM: CREEKMORE PARK COMMUNITY CENTER  
December 10, 2019 – 5:30 P.M.**

Before calling the meeting to order, Chairman Keesee asked everyone to stand for the Pledge of Allegiance. On roll call, the following commissioners were present: Don Keesee, Vicki Newton, Kelly Wilson, Ret Taylor, Matt Marshall, Griffin Hanna, Brian Trumbly and Bob Cooper.

Chairman Keesee announced the resignation of Commissioner Richard Morris. Chairman Keesee then called for a motion on the minutes from the November 12, 2019, meeting. Commissioner Taylor moved, seconded by Commissioner Cooper, to approve the minutes as written. Ms. Maggie Rice, Director of Development Services, spoke on the procedures.

**5. Conditional Use #21-12-19; A request by Janell Camarena, agent for Vasiliki Investments, for an auto impoundment and holding yard at 2012 Towson Avenue.**

Chairman Keesee announced the request to withdraw this application by the applicant. He then called for a motion on the request to withdraw. Commissioner Wilson moved, seconded by Commissioner Trumbly, to approve the withdrawal of this application. Chairman Keesee called for a vote. The vote was 7 in favor and 0 opposed.

**1. Conditional Use #20-11-19; A request by Randy Coleman, agent for Cavanaugh Free Will Baptist Church, for a church at 2825 Grinnell Avenue, 8304, 8307, 8308, 8311, 8312, 8315, 8400, 8401 & 8406 South 30th Circle and 2808 & 2908 Briar Cliff Avenue.**

Chairman Keesee introduced item 1. Ms. Brenda Andrews presented the staff report stating the 9.33 acre property was located on the northeast corner of South 28<sup>th</sup> Street and Grinnell Avenue. She further stated the approval of this conditional use would allow for a 23,111 square foot addition to the existing church, also adding 212 new parking spaces.

Randy Coleman was present to represent this item. There were none present to speak in opposition.

Chairman Keesee called for a motion. Commissioner Hanna moved to approve as written with staff comments, seconded by Commissioner Wilson. Chairman Keesee called for a vote. The motion carried with 7 in favor and 0 opposed. Approval subject to the following staff comments:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. A complete landscape plan shall be submitted for review at the time of building permit application.
3. All exterior building and site signage requires a separate application, review and building permit prior to the installation of any signage.
4. Details for all exterior building and site lighting shall be submitted during the building permit review process in compliance with the UDO Commercial and Outdoor Lighting regulations.
5. Board of Director approval of the partial abandonment of South 30<sup>th</sup> Circle.

**RECESS PLANNING COMMISSION  
CONVENE BOARD OF ZONING ADJUSTMENT**

**2. Variance #39-12-19; A request by Ron Brixey, agent for John and Karri Karrant, for a variance from Sections 27-440 B & 27-200 definition of business sign at 4306 Phoenix Avenue.**

Chairman Keesee introduced items 2 and 3 as companion items. Ms. Rice read the staff report. She indicated the 1.96 acre property was located on the south side of Phoenix Avenue amid Interstate 540 and South 46<sup>th</sup> Street, containing approximately 300 feet of street frontage along Phoenix Avenue. She stated approval of these items would facilitate a 246 seat restaurant with outdoor dining, associated parking with perimeter and parking lot landscaping, three (3) monument signs on one lot—two off-site—and a slogan wall sign on the north façade of the building.

Ron Brixey and John Karrant were present to represent and speak in favor of these items. There were none present to speak in opposition.

Chairman Keesee called for a motion. Commissioner Taylor moved, seconded by Commissioner Trumbly, to approve with staff comments.

Commissioner Trumbly questioned the possibility of combining the three monument signs into one monument sign. Jason Mathis, project architect answered stating their client's preference was to have the three signs separate. Further, he stated they would be willing to consolidate two of the monuments at the rear of the property, leaving the restaurant's monument sign as is.

Commissioner Taylor moved to amend his previous motion to allow the compromise of the consolidation of two of the monument signs. Commissioner Trumbly seconded in agreement with the amended motion. Chairman Keesee called for a vote. The vote was 7 in favor and 0 opposed to approve as amended.

**RECESS BOARD OF ZONING ADJUSTMENT  
CONVENE PLANNING COMMISSION**

**3. Conditional Use #22-12-19; A request by Ron Brixey, agent for John and Karri Karrant, for outdoor dining at 4306 Phoenix Avenue.**

Chairman Keesee called for a motion. Commissioner Hanna moved, seconded by Commissioner Wilson, to approve as written subject to the following staff comments:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

Chairman Keesee called for a vote. The motion passed with 7 in favor, 0 opposed.

**4. Revised Development Plan #18-12-19; A request by Ron Brixey, agent for Foxfire Properties, for a development plan approval for a multifamily development at 2700 South Tulsa.**



Chairman Keesee introduced item 4. Ms. Rice presented the staff report stating the property was located on the south side of Tulsa Street amid South 27<sup>th</sup> Street and South 24<sup>th</sup> Street. She stated the approval of this revised development plan would allow four (4) one story duplexes with 8 living units and 16 parking spaces.

Ron Brixey was present to represent this item. There were none present to speak in opposition.

Chairman Keesee called for a motion. Commissioner Wilson moved, seconded by Commissioner Newton, to approve as written subject to the following staff comments:

1. Construction must comply with the submitted development plan with the changes outlined below. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. All signage shall comply with the UDO requirements.
3. All exterior lighting shall comply with the UDO requirements.

Chairman Keesee called for a vote. The vote was 7 in favor and 0 opposed.

**6. Rezoning Application #28-12-19; A request by Conner Threet, agent for ERC Create, LLC and Fort Chaffee Redevelopment Authority, for a zone change from Not Zoned to Residential Single Family High Density (RS-4) at 10501 Chad Colley Boulevard.**

Chairman Keesee introduced items 6 and 7 as companion items. Ms. Brenda Andrews read the staff report stating the 33.95 acre property was located on the southeast side of Chad Colley Boulevard, northeast of Steep Hill Road. She indicated approval of these items would allow for the development of a single-family residential subdivision.

Conner Threet was present to represent these items.

David Harris (2025 South V Street), Randy Bittle (10817 Rye Hill Road South), and Jimmy Harkreader (10819 Rye Hill Road South) were present to speak in opposition of these items, having concerns regarding setback requirements, lot sizes, and harm to the existing wooded area on the site location.

Tom Hanna of 1314 Hendricks Boulevard commented stating the proposed development did not fit the land use because there was no mixed use planned.

Chairman Keesee called for a motion on item 6—the rezoning. Commissioner Taylor moved, seconded by Commissioner Hanna, to approve as written with staff comments. Chairman Keesee called for a vote. The vote was 6 in favor and 1 abstention (Chairman Keesee).

**7. Development Plan / Plat Deferral #19-12-19; A request by Conner Threet, agent for ERC Create, LLC and Fort Chaffee Redevelopment Authority, for a Development Plan / Plat Deferral at 10501 Chad Colley Boulevard.**

Chairman Keesee called for a motion on item 7—the development plan/plat deferral. Commissioner Taylor motioned, seconded by Commissioner Newton, to approve as written. Chairman Keesee called for a vote. The vote was 6 in favor and 1 abstention (Chairman Keesee).

**RECESS PLANNING COMMISSION  
CONVENE BOARD OF ZONING ADJUSTMEN**

**8. Variance #37-12-19; A request by Andrew Goodman, agent for Rogers Avenue Hillside Addition, LLC, for an interior side-yard setback from 20' to 10' at 6569 Rogers Avenue.**

Chairman Keesee introduced items 8 and 9 as companion items. Ms. Andrews delivered the staff report indicating the location of the 0.58 acre property as on the north side of Rogers Avenue between South 66<sup>th</sup> Street and South 68<sup>th</sup> Street. She indicated the approval of these items would facilitate the development of a 3,000 square foot furniture store.

Paul Takocs with GMX Real Estate Group was present to represent these items. There were none present to speak in opposition.

Max Cloninger of 2601 South 66<sup>th</sup> Street and Jesse Lewis of 6523 Cliff Drive spoke with concerns regarding the excavation, effects of said excavation, potential for an increase in traffic flow and future development possibilities.

Chairman Keesee called for a motion on item 8—the Variance. Commissioner Wilson moved, seconded by Commissioner Trumbly, to approve as written. Chairman Keesee called for a vote. The vote was 7 in favor and 0 opposed.

**RECESS BOARD OF ZONING ADJUSTMENT  
CONVENE PLANNING COMMISSION**

**9. Development Plan #20-12-19; A request by Andrew Goodman, agent for Rogers Avenue Hillside Addition, LLC, for a development plan approval for a commercial development at 6569 Rogers Avenue.**

Chairman Keesee called for a motion on item 9—the Development Plan. Commissioner Trumbly motioned, seconded by Commissioner Taylor, to approve as written subject to the following staff comments:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. BZA approval of the interior side-yard setback variance.
3. Relocation of the proposed monument sign so that it does not conflict with existing easements.
4. Submittal of details for mechanical screening and a final landscaping plan.

Mr. Takacs clarified the nature of business to be conducted by the mattress store. He stated the store would be a showroom only. All product to be shipped to the customer would be located elsewhere.

There being no further discussion, Chairman Keesee called for a vote. The motion carried with 7 in favor, 0 opposed.

**RECESS PLANNING COMMISSION  
CONVENE BOARD OF ZONING ADJUSTMENT**

**10. Variance #36-12-19; A request by Ricky Hill, agent for Charles and Janet Schmidly, for a rear-yard setback from 10' to 0' and from 7.5' to 1.6' interior side-yard setback at 4110 South 25<sup>th</sup> Street.**

Chairman Keesee introduced item 10. Ms. Rice presented the staff report stating that the property was located on the southwestern portion of the cul-de-sac on South 25<sup>th</sup> Street. She indicated the approval of this variance would allow for an existing 6' concrete water fountain and an existing porch to remain in their respective locations.

Ricky Hill was present to represent this item. There were none present to speak in opposition.

Chairman Keesee called for a motion. Commissioner Taylor moved, seconded by Commissioner Marshall, to approve with staff comments.

Commissioner Trumbly voiced concerns regarding the potential use of the variance for purposes other than originally intended—the fountain.

Commissioner Taylor moved to amend his previous motion to approve with staff comments with the stipulation that the rear-yard setback would be exclusively for the fountain. Commissioner Marshall agreed to amend.

Chairman Keesee called for a vote. The vote was 7 in favor and 0 opposed.

**11. Variance #38-12-19; A request by Griffin Hanna, agent for Bennie Westphal, for a variance from the Riverfront Development PZD General Development Standards at 417 Riverfront Drive.**

Chairman Keesee introduced item 11. Ms. Andrews delivered the staff report stating the location of the 2.00 acre property was on the west side of the Riverfront Drive and North E Street. She stated the approval of this item would allow for the installation of two solar powered, metal shipping containers for a bicycle rental facility. The dimensions of said shipping containers would be 20' x 8'.

Griffin Hanna was present to represent this item. There were none present to speak in opposition.

Chairman Keesee called for a motion. Commissioner Wilson moved, seconded by Commissioner Newton, to approve as written subject to the following staff comments:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. The use of the shipping containers shall be for the proposed use only. Should the shipping containers no longer be needed, the applicant shall remove them within 30 days of the cessation of the bicycle rental operation.
3. Any signage associated with the business shall comply with the PZD signage requirements.

Chairman Keesee called for a vote. The vote was 6 in favor and 1 abstention (Hanna).

**12. Variance #34-11-19; A request by Gary Griffin, agent for The Vineyard Group, for a rear-yard setback from 30' to 10' at 900 North 46<sup>th</sup> Street.**

Chairman Keesee introduced items 12 and 13 as companion items. Ms. Anderson present the staff report indicating the location of the property on the east side of North 46<sup>th</sup> Street, south of Grand Avenue. She stated the approval of these items would allow a multifamily development with two duplexes.

Gary Griffin was present to represent these items. There were none present to speak in opposition.

Chairman Keesee called for a motion. Commissioner Taylor moved, seconded by Commissioner Hanna, to approve with staff comments.

Chairman Keesee called for a vote. The vote was 7 in favor, 0 opposed.

**RECESS BOARD OF ZONING ADJUSTMENT  
CONVENE PLANNING COMMISSION**

**13. Development Plan #16-11-19; A request by Gary Griffin, agent for The Vineyard Group, for a development plan approval for a multifamily development at 900 North 46<sup>th</sup> Street.**

Chairman Keesee called for a motion on item 13—the Development Plan. Commissioner Taylor motioned, seconded by Commissioner Marshall, to approve with staff comments subject to the following staff comments:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. Approval of the companion variance application.

Chairman Keesee called for a vote. The vote was 7 in favor and 0 opposed.

**14. Development Plan #14-11-19; A request by Crafton Tull, agent for ERC Holdings, LLC, for a parking lot (off site) at 7910 Hutcheson Court.**

Chairman Keesee introduced item 14. Ms. Rice presented the staff report. She stated the 5.03 acre property was located on the southwest of Lot 2 Huntington Chase Commercial Park with no property frontage. She indicated approval of the development plan would allow for an offsite parking lot with 16 parking spaces.

Conner Threet was present to represent this item. There were none present to speak in opposition.

Chairman Keesee called for a motion. Commissioner Wilson moved, seconded by Commissioner Newton, to approve as written subject to the following staff comments:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. The hammerhead constructed as a turnaround must cease being used as parking.

Chairman Keesee called for a vote. The vote was 7 in favor and 0 opposed.

**15. Rezoning Application #27-11-19; A request by Brett Abbott, agent for Steve Dawson, for a zone change from Not Zoned to a Planned Zoning District (PZD) at 7717, 7718, 7800, 7801 & 7900 Fort Chaffee Boulevard.**

Chairman Keesee introduced item 15. Ms. Andrews presented the staff report. She stated the property was located on both sides of Fort Chaffee Boulevard, north of Roberts Boulevard. She further indicated the portion of the tract located to the north of Fort Chaffee Boulevard contained an area of 1.10 acres with approximately 560 feet of

street frontage, while the portion of the tract located to the south of Fort Chaffee Boulevard contained 0.54 acres with approximately 330 feet of street frontage. She further stated this item was tabled at the November 12, 2019, Planning Commission meeting until the outcome of the judge's ruling to dismiss the lawsuit against the FCRA. On November 14, 2019, staff received notice that the lawsuit against the FCRA was dismissed. Dalton Person, Attorney at Jones, Jackson & Moll, was present to confirm this statement.

Brett Abbott was present to represent this item. Steve Dawson was present to speak in favor of this item.

Randy DeCanter (7606 Fort Chaffee Boulevard) and John Coats, owner of JKC Cellars 7709 Ellis Street, were present to speak in opposition of this item based on the appropriateness of a contractor's shop and storage yard for the location.

Chairman Keesee called for a motion on this item. Commissioner Wilson moved, seconded by Commissioner Hanna, to approve the PZD as submitted, which allowed a contractor shop and storage yard limited to a 63' x 106' area with 6' opaque screening on all four sides of the yard. Keesee called for a vote. The vote was 5 in favor, 1 opposed (Trumbly), and 1 abstention (Keesee).

The meeting adjourned at approximately 7:10 P.M.

## Home Occupation

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** January 8, 2020

**Re:** Home Occupation #1-1-20 - A request by Nina L. Diaz, owner, for Planning Commission consideration for an aesthetician and skin care business in a Residential Multifamily High Density (RM-4) zone at 618 Belle Avenue

### **PROPOSED HOME OCCUPATION**

The home occupation will allow the operation of an appointment only aesthetician and skin care business at the applicant's residence.

### **LOT LOCATION AND SIZE**

The subject property is on the east side of Belle Avenue between North G Street and North F Street. The tract contains an area of 0.16 acres with approximately 50 feet of street frontage along Belle Avenue.

### **EXISTING ZONING**

The existing zoning on this tract is Residential Multifamily High Density (RM-4). Characteristics of this zone are as follows:

#### **Purpose:**

To provide high density attached homes, including multi-story residential buildings in those areas where such building types already exist, or where such buildings would be consistent with an area's established development pattern and character. The RM-4 zoning district is appropriate in urban areas in the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial categories of the Master Land Use Plan.

#### **Permitted Uses:**

Single-family, duplex dwellings, multifamily (apartment and condominiums), community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

### **Conditional Uses:**

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

### **Area and Bulk Regulations:**

Minimum Lot Size – 5,000 square feet	Maximum Height - 40 feet (1+1)
Maximum Density – 30 Dwelling Units/Acre	Maximum Lot Coverage - 70%
Minimum Lot Width at Building Line – 50 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 20 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 5 feet	
Rear Yard Setback - 5 feet	
Side/Rear adjacent to RS district/development – 40 feet	
Minimum building separation – 10 feet	

### **SURROUNDING ZONING AND LAND USE**

The area to the north is zoned RM-4 and is developed as a single family residence.

The area to the east is zoned Commercial Light (C-2) and is developed as a tanning salon.

The area to the south is zoned RM-4 and is developed as a single family residence.

The area to the west is zoned RM-4 and is developed as a single family residence.

### **MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Belle Avenue as a local road.

### **MASTER LAND USE PLAN COMPLIANCE**

The Master Land Use Plan classifies the site as Residential Detached. This classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values.

### **PLANNING COMMISSION AUTHORITY**

The *Unified Development Ordinance* allows the Planning Commission the authority to grant to residents of Residential-3 (RS-3 and RM-3), Residential-4 (RS-4 and RM-4) and Historic-1 (RH) zones the privilege of engaging in the limited pursuit of an occupation, operating minimal business activities or offering limited professional services in their homes, provided that in the opinion of the Planning Commission, those activities do not conflict with the purposes and objectives of this chapter as stated in Section 27-101 and provided such activities comply with this section as well as any conditions and limitations the Planning Commission deems necessary for any particular case in carrying out the spirit and intent of a section.

### **COMPATIBILITY/CONDITIONS**

The planning commission is not required to approve an application for the operation of any home occupation which, in its opinion, is not compatible with the integrity of the neighborhood. The Planning Commission may impose conditions and restrictions on the property benefited by the home occupation use to reduce or minimize the injurious effects of the home occupation.

### **NEIGHBORHOOD MEETING**

A neighborhood meeting was not required or held.

### **STAFF COMMENTS**

The applicant has submitted a parking plan that will provide customer parking in the rear of the lot accessible off the alley.

### **STAFF RECOMMENDATIONS**

In addition to Section 27-338-4F (Minimum Requirements for Consideration) Planning Staff recommends approval of the requested home occupation subject to the following:

The business license cannot be transferred to another residence without a new Home Occupation Application.



## **HOME OCCUPATION REQUIREMENTS**

### **Sec. 27-338-4F. Minimum requirements for consideration**

The planning commission, in reviewing applications under this section, may consider the performing of a skill, talent, service or profession on a limited basis as a home occupation only if it complies with all of the following:

1. The area to be used for the home occupation is no greater than thirty (30%) percent of the living space of the residence.
2. There shall be no occupational activity on the premises outside of the main structure. An existing detached building which is utilized in conjunction with a home occupation shall be no larger than three hundred (300) square feet in size and can only be utilized for storage of materials.
3. No sign may be used in the operation of the business.
4. No outdoor display of any goods or services and no outdoor storage of materials or equipment are allowed.
5. The home occupation is required to be run only by the resident members of the household and shall not have any other employees, concessionaires or other operators or helpers whether such business is conducted on the premises or off the premises.
6. No sale of any retail or wholesale item or items is allowed on the premises unless they are considered as an accessory item of the approved business. Items drop-shipped or delivered by order may be permissible only after the Planning Commission has approved such operation.
7. Any business conducted on the premises shall be by appointment only, such that no more than two (2) patrons shall be at the business at any one time.
8. The Planning Commission shall have the authority to limit the operating hours of a business where it deems it necessary in order to assure compatibility with the residential neighborhood.
9. The resident shall not utilize the address of the property in any form of business advertising. This includes, but is not limited to, paid commercial advertising, telephone directory advertising, flyers, business cards, etc.
10. The home occupation shall not produce any fumes, odors, noise or any other offensive effects that are not normal to residential activity.
11. The home occupation shall not require the construction of any additional off-street parking areas which would detract from the residential character of the neighborhood. The Planning Commission in exceptional circumstances may allow the construction of additional off-street parking, but under no circumstances more than two (2) spaces in addition to those currently in use for residential purposes. All parking and maneuvering areas must be completely contained on private property. A parking site plan must be approved by the Planning Commission where a business would require customers coming to the property.
12. A commercial trash container shall not be utilized.
13. All vehicles shall be parked in compliance with Section 14-52, Section 14-54, and Section 14-55 of the Fort Smith Municipal Code.

**APPLICATION FOR HOME OCCUPATION**

(Please print or type)

Name of Applicant: Nina L. Diaz

Legal Description of property included in the home occupation request:

lot 5 block CCC Breens Sub division  
Rm-4

Street Address of Property: 618 Belle Ave Fort Smith, AR 72901

Zone Classification: Rm-4

Type of Business Requested: Esthetician / Skin Care Professional

\_\_\_\_\_  
\_\_\_\_\_

Signed:

Nina L. Diaz

Applicant's Name (please print)

479-831-7820

Phone Number of Applicant

618 Belle Ave

Fort Smith, AR 72901

Applicant Mailing Address

nldynsr2007@sbcglobal.net

Nina L. Diaz

Applicant

12/18/19

Date

Nina L. Diaz

Property Owner

12/18/19

Date

(if rental property)

Home Occ. # \_\_\_\_\_

**HOME OCCUPATION INFORMATION FORM**

1. Describe what type of business you are requesting. Esthetician / Skin Care Profession
2. Will this business be completely contained in the residential structure? Yes ☒ No ☐  
If no, described location. \_\_\_\_\_
3. What percentage of the residential floor area will be required to operate the business?  
25%
4. Will operation of the business utilize any persons other than members of the immediate household? Yes ☐ No ☒
5. At what hours and days of the week do you plan to operate the business? M - Thurs 8:00 AM - 6:00 PM
6. Will there be any noise no, odor no, or other outdoor activity no associated with the business? If yes, explain. \_\_\_\_\_
7. Will materials or supplies be stored at this location? Yes ☒ No ☐
8. How much storage will be needed? 100 sq ft
9. Will merchandise be sold at this location? Yes ☐ No ☒ If yes, explain. \_\_\_\_\_
10. Will you have any business vehicles? Yes ☐ No ☒ If yes, describe below.  
Type of Vehicle:  
Make \_\_\_\_\_ Model \_\_\_\_\_  
Color \_\_\_\_\_ Length (trailer) \_\_\_\_\_
11. Will this business require any license, certification, accreditation other than a city occupation license? Yes ☒ No ☐ What type? Arkansas State Board of Cosmetology
12. Can you operate this business by appointment only? Yes ☒ No ☐  
Explain: \_\_\_\_\_

13. Will customers come to this location? Yes ☒ No ☐
14. How many customers do you expect to have coming to your home at any one time?  
1 per appointment
15. Do you expect any drop-in customers? Yes ☐ No ☒
16. How do you plan to provide parking for customers? backyard that has driving street access
17. Do you plan to advertise this business? Yes ☐ No ☒  
If yes, by what methods? \_\_\_\_\_
18. Do you understand advertising the street address is not permitted? (Including the telephone directory listings.) Yes ☒ No ☐
19. Do you understand the utilization of a sign in conjunction with this business is not permitted? Yes ☒ No ☐
20. Will the Home Occupation require a commercial trash container (dumpster)?  
Yes ☐ No ☒
21. Do you own or rent this property? Own
22. If renting, please attach a letter from the property owner giving you permission to operate this home occupation.
23. Do you live at this location? Yes ☒ No ☐
24. Do you understand that failure to comply with the home occupation requirements could constitute the revoking of the occupation license issued for this business?  
Yes ☒ No ☐
25. Provide any other information that you feel helpful.

N/A

**LETTER REGARDING RESTRICTIVE COVENANTS**

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

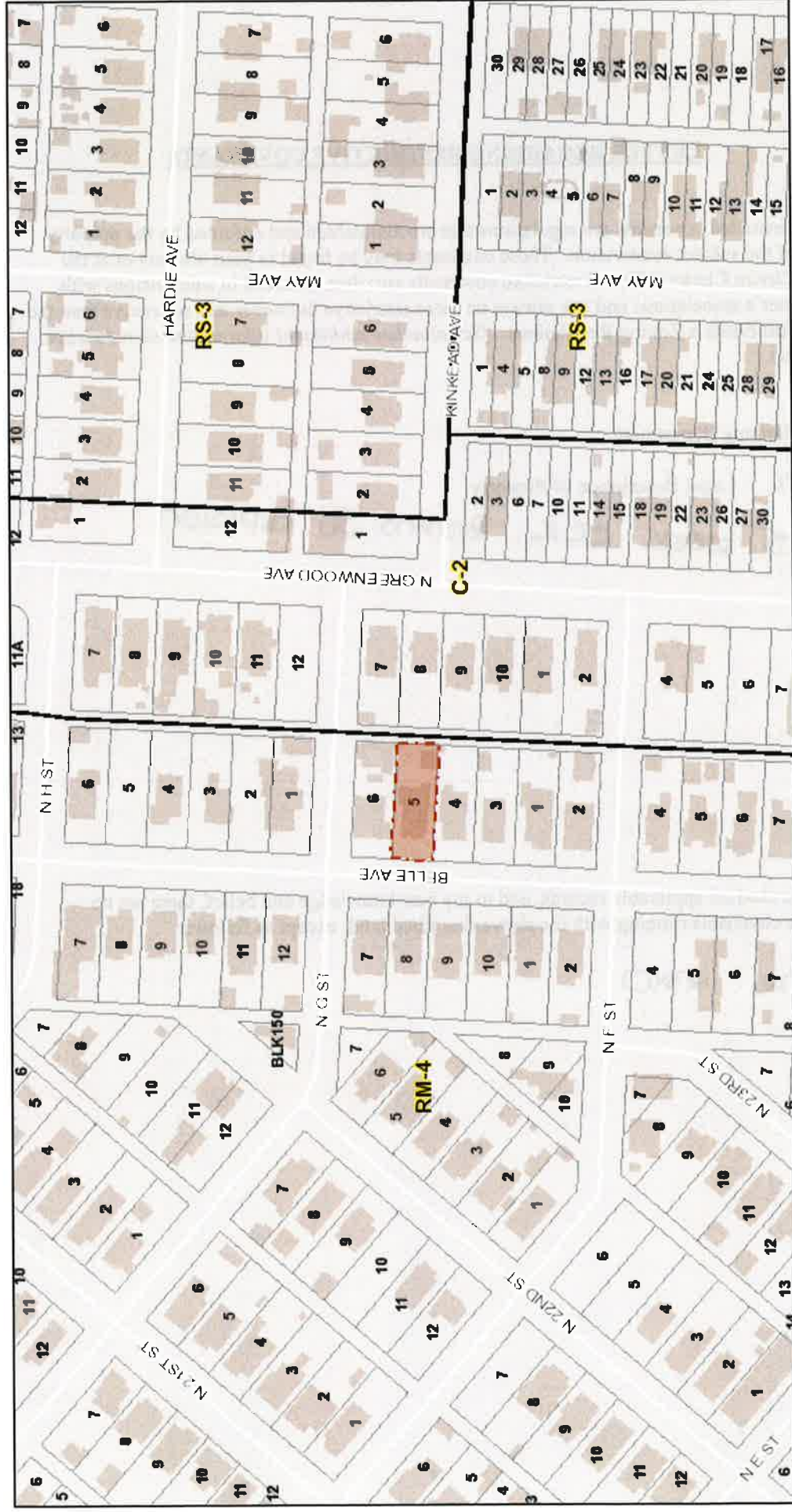
SUBJECT: Legal Description of Property

Lot 5 block CCC Breens Sb division

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land, except as follows:

none ~~no~~

# Home Occupation #1-1-20: Aesthetician and Skin Care 618 Belle Avenue



December 27, 2019

- Fort Smith City Limits
- Water Bodies
- Public Schools
- Parks
- Zoning
- Subdivisions

1:1,996  
0 90 180 360 ft  
0 25 50 100 m





**Miller, Perry**

---

**From:** Nina Diaz <nldjnsr2007@sbcglobal.net>  
**Sent:** Thursday, December 26, 2019 11:09 AM  
**To:** Miller, Perry  
**Subject:** [EXT]Re: Parking Plan

**CAUTION: EXTERNAL-EMAIL** This message originated from outside the organization. Please do not click on any links or open attachments unless you recognize the sender and know the content is safe.

Yes, I am requesting to build two new parking spots.  
Sent from AT&T Yahoo Mail on Android

On Thu, Dec 26, 2019 at 12:08 PM, Miller, Perry  
<PMiller@FortSmithAR.gov> wrote:

Nina,

Please confirm that you are requested to add 2 new parking spaces at the rear of your residence located on the alley.

Thank you,

Tyler Miller

Planner City of Fort Smith

623 Garrison Avenue

Fort Smith, AR 72901

479-784-2241



# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** January 8, 2020

**Re:** Zoning #1-1-20 - A request by Conner Threet, agent for ERC Create, LLC and Fort Chaffee Redevelopment Authority, for Planning Commission consideration of a zone request from Not Zoned to Residential Single Family High Density (RS-4) by classification at 10501 Chad Colley Boulevard

## **REQUEST TO TABLE APPLICATION**

The applicant has requested the Planning Commission to table the zoning request so that additional property owner notifications can be mailed.

## **PROPOSED ZONING**

The approval of this zoning request will allow for the future development of a single-family residential subdivision.

## **LOT LOCATION AND SIZE**

The subject property is on the southeast side of Chad Colley Boulevard just northeast of Steep Hill Road. The tract contains an area of 33.95 acres with approximately 1,300 feet of street frontage along Chad Colley Boulevard.

## **EXISTING ZONING**

The subject property currently has no zoning.

## **REQUESTED ZONING**

The applicant has requested Residential Single Family High Density (RS-4). Characteristics of this zone are as follows:

**Purpose:**

To provide very dense single family detached housing as either new or infill development. The RS-4 zoning district is appropriate in higher density residential areas near the downtown, in mixed use/density areas, and as a transitional buffer zone between lower density residential development and multifamily or commercial uses. The RS-4 zoning district corresponds to the Residential Detached, Mixed Use Residential, and Mixed Use Employment category of the Master Land Use Plan.

**Permitted Uses:**

Single-family dwellings and family group homes are examples of permitted uses.

**Conditional Uses:**

Commercial communication towers, amateur radio transmitting towers, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes and churches are examples of uses permitted as conditional uses.

**Area and Bulk Regulations:**

Minimum Lot Size – 5,000 square feet	Maximum Height - 35 feet (1+1)
Maximum Density – 8.7 Dwelling Units/Acre	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 50 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 20 feet	
Side Yard on Street Side of Corner Lot - 20 feet	
Side Yard Setback – 5 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – 10 feet	

**SURROUNDING ZONING AND LAND USE**

The area to the north is not zoned and is undeveloped.

The area to the east is not zoned and is developed as Interstate 549.

The area to the south is zoned Extra Territorial Jurisdiction Open-1 (ETJ O-1) and is developed as single-family residences.

The area to the west is zoned Extra Territorial Jurisdiction Open-1 (ETJ O-1) and is developed as a single-family residence.

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Chad Colley Boulevard as a Major Arterial.

### **MASTER LAND USE PLAN COMPLIANCE**

The Chaffee Crossing Future Land Use Plan classifies this site as Mixed Use: Residential/Commercial/Office. This land use allows the creation of a pedestrian-friendly environment to encourage the development of new village style communities where the mixed uses support other uses in the node. The mixes may occur vertically in the same building (i.e. residential or office above commercial) or horizontally with buildings of different uses adjacent to one another.

### **NEIGHBORHOOD MEETING**

A neighborhood meeting was held Tuesday, November 26, 2019, at Crafton-Tull's office at 8101 McClure Drive, Suite 202. There were no neighboring property owners in attendance at the neighborhood meeting. Another meeting was scheduled for Tuesday, January 7, 2020, but was canceled. However, another neighborhood meeting will be scheduled prior to the next resubmittal.

### **STAFF COMMENTS AND RECOMMENDATIONS**

Staff recommends tabling at the applicant's request.

## Andrews, Brenda

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**From:** Nicole Swanson <nswanson@erc.com>  
**Sent:** Friday, January 3, 2020 11:53 AM  
**To:** Andrews, Brenda  
**Subject:** [EXT]RE: [EXT]RE: 10501 Chad Colley

**CAUTION: EXTERNAL-EMAIL** This message originated from outside the organization. Please do not click on any links or open attachments unless you recognize the sender and know the content is safe.

Brenda, please accept this email as my official request to table the zoning request for 10501 Chad Colley.

Thank you.

**Nicole Swanson**  
Vice President - Create  
ERC, 8101 McClure Drive, Suite 201, Fort Smith, AR 72916  
479.478.5103 – phone | 479.650.0102 – cell | nswanson@erc.com



**From:** Andrews, Brenda <bandrews@FortSmithAR.gov>  
**Sent:** Thursday, January 2, 2020 4:02 PM  
**To:** Nicole Swanson <nswanson@erc.com>  
**Subject:** FW: [EXT]RE: 10501 Chad Colley

Nicole:

Would you have time to email the letter to me in the morning? We have to have the board packets ready by noon tomorrow.

**From:** Andrews, Brenda  
**Sent:** Monday, December 23, 2019 2:20 PM  
**To:** 'Nicole Swanson' <nswanson@erc.com>  
**Subject:** RE: [EXT]RE: 10501 Chad Colley

Thank you!

**From:** Nicole Swanson [<mailto:nswanson@erc.com>]  
**Sent:** Monday, December 23, 2019 2:19 PM  
**To:** Andrews, Brenda <bandrews@FortSmithAR.gov>  
**Subject:** [EXT]RE: 10501 Chad Colley

**PETITION FOR CHANGE IN ZONING MAP**

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:


1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

See Attached

2. Address of property: 10501 S Chad Colley Boulevard
3. The above described property is now zoned: Unzoned
4. Application is hereby made to change the zoning classification of the above described property to RS-4 by Classification.  
(Extension or classification)
5. Why is the zoning change requested?  
Redevelopment at Chaffee Crossing
6. Submit any proposed development plans that might help explain the reason for the request.

Signed:

Crafton Tull & Associates  
Owner or Agent Name  
(please print)  
  
8101 McClure Drive, Suite 202  
Fort Smith, AR 72916  
Owner or Agent Mailing Address  
  
(479) 878-2467  
Owner or Agent Phone Number

\_\_\_\_\_  
Owner  
  
or  
  
\_\_\_\_\_  
Agent

**LETTER REGARDING RESTRICTIVE COVENANTS**

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property *(Insert legal description)*

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land except as follows: \*

Requirements of Chaffee Crossing Redevelopment

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Signature

*(\* If no restrictive covenants exist, indicate "none".)*

**LIST OF OWNERS OF ALL PROPERTY TO BE REZONED**

List the names and addresses of all owners of property included within the area requested by this petition to be rezoned.

<u>NAME</u>	<u>ADDRESS</u>
1. <u>ERC Create, LLC</u>	<u>8101 McClure Drive, Suite 201, Fort Smith, AR 72916</u>
2. <u>Fort Chaffee Redevelopment Authority</u>	<u>7020 Taylor Ave, Fort Smith, AR 72916</u>
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

### AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize Crafton Tull & Associates to act as our agent in the matter.  
(Print Name of Agent)

(Type or clearly print)

#### NAMES OF ALL OWNERS.

1. ERC Create, LLC
2. Fort Chaffee Redevelopment Authority
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

#### SIGNATURE OF ALL OWNERS.

Nicole Swanson  
Dan D. Swanson  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*This form is necessary only when the person representing this request does not own all property.*



TRACT 1

APPROXIMATELY 27.75 ACRES IN LOT 1 OF THE SOUTHWEST QUARTER (SW/4) AND APPROXIMATELY 6.20 ACRES IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW/4 SE/4) ALL IN SECTION 18, TOWNSHIP 7 NORTH (T7N), RANGE 31 WEST (R31W), OF THE FIFTH PRINCIPAL MERIDIAN, IN SEBASTIAN COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT A FOUND ALUMINUM U.S. ARMY CORP OF ENGINEERS MONUMENT (FORT CHAFFEE #179) FOR THE SOUTHWEST CORNER OF LOT 1 OF SECTION 18; THENCE N2°49'38"E, 560.19 FEET TO THE SOUTH RIGHT-OF-WAY OF SOUTH CHAD COLLEY BOULEVARD; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING SIX (6) CALLS:

1. N64°27'08"E, 233.14 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;
2. THENCE 785.85 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 3290 FEET, SUBTENDED BY A CHORD OF 783.98 FEET, WHICH BEARS N57°36'34"E;
3. THENCE S39°14'00"E, 20.00 FEET;
4. THENCE N51°09'37"E, 50.79 FEET;
5. THENCE N38°24'15"W, 20.75 FEET TO A POINT ON A CURVE TO THE LEFT;
6. THENCE 181.67 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 3290 FEET, SUBTENDED BY A CHORD OF 181.65 FEET, WHICH BEARS N48°17'42"E TO A FOUND 1/2" REBAR (PS#1272);

THENCE LEAVING THE SOUTH RIGHT-OF-WAY OF SOUTH CHAD COLLEY BOULEVARD S49°48'10"E, 992.10 FEET TO A FOUND 1/2" REBAR (PS#1272) ON THE NORTH RIGHT-OF-WAY OF INTERSTATE 549; THENCE S40°12'13"W, ALONG SAID RIGHT-OF-WAY, 820.80 FEET; THENCE N86°09'38"W, 10.00 FEET TO A FOUND BRASS U.S. ARMY CORP OF ENGINEERS MONUMENT FOR THE SOUTHEAST CORNER OF LOT 1 OF THE SOUTHWEST QUARTER OF SECTION 18; THENCE N88°32'15"W, 1293.37 FEET TO THE POINT OF BEGINNING, CONTAINING IN THE AGGREGATE 33.95 ACRES, MORE OR LESS.

**THIS DESCRIPTION WAS WRITTEN ON NOVEMBER 21, 2019 BY JEREMY A. LAWSON (AR PS#1741). ALL DISTANCES ARE GROUND DISTANCES AND THE BEARINGS ARE BASED ON THE ARKANSAS STATE PLANE COORDINATE SYSTEM (NORTH ZONE). TO OBTAIN GRID DISTANCES MULTIPLY THE DISTANCES GIVEN BY THE SCALE FACTOR (0.999949847122).**



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Use Avery Template 5160

Fort Smith Housing Partners II LTD  
1031 Fayetteville Rd, Ste 205  
Van Buren, AR 72956

Edward & Lawre Myers  
10711 Rye Hill Rd S  
Fort Smith, AR 72916

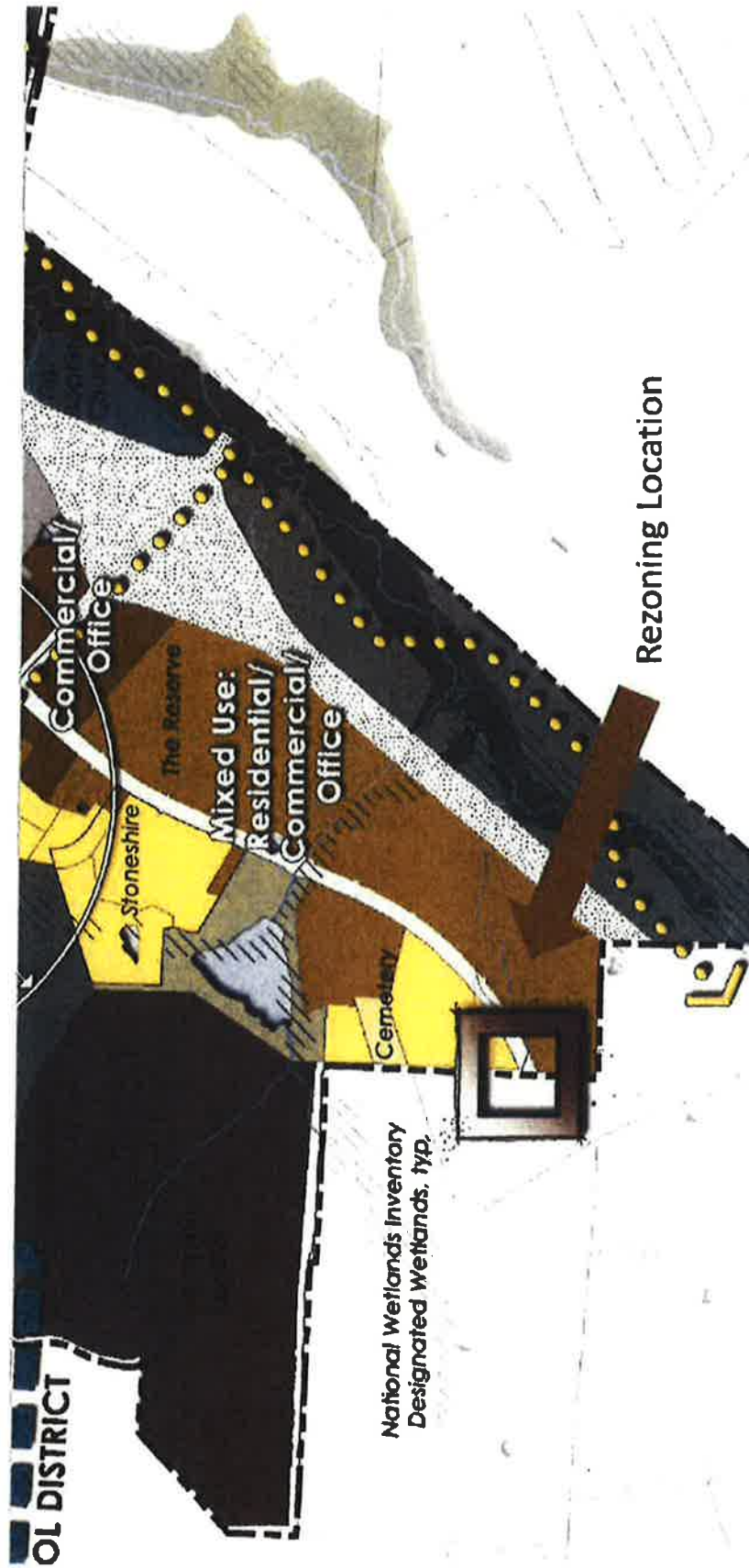
Randy & Jane Bittle Rev. Trust  
6800 Deerfield Dr  
Fort Smith, AR 72916

George Jackson III Living Trust  
8801 Steep Hill Rd  
Fort Smith, AR 72916

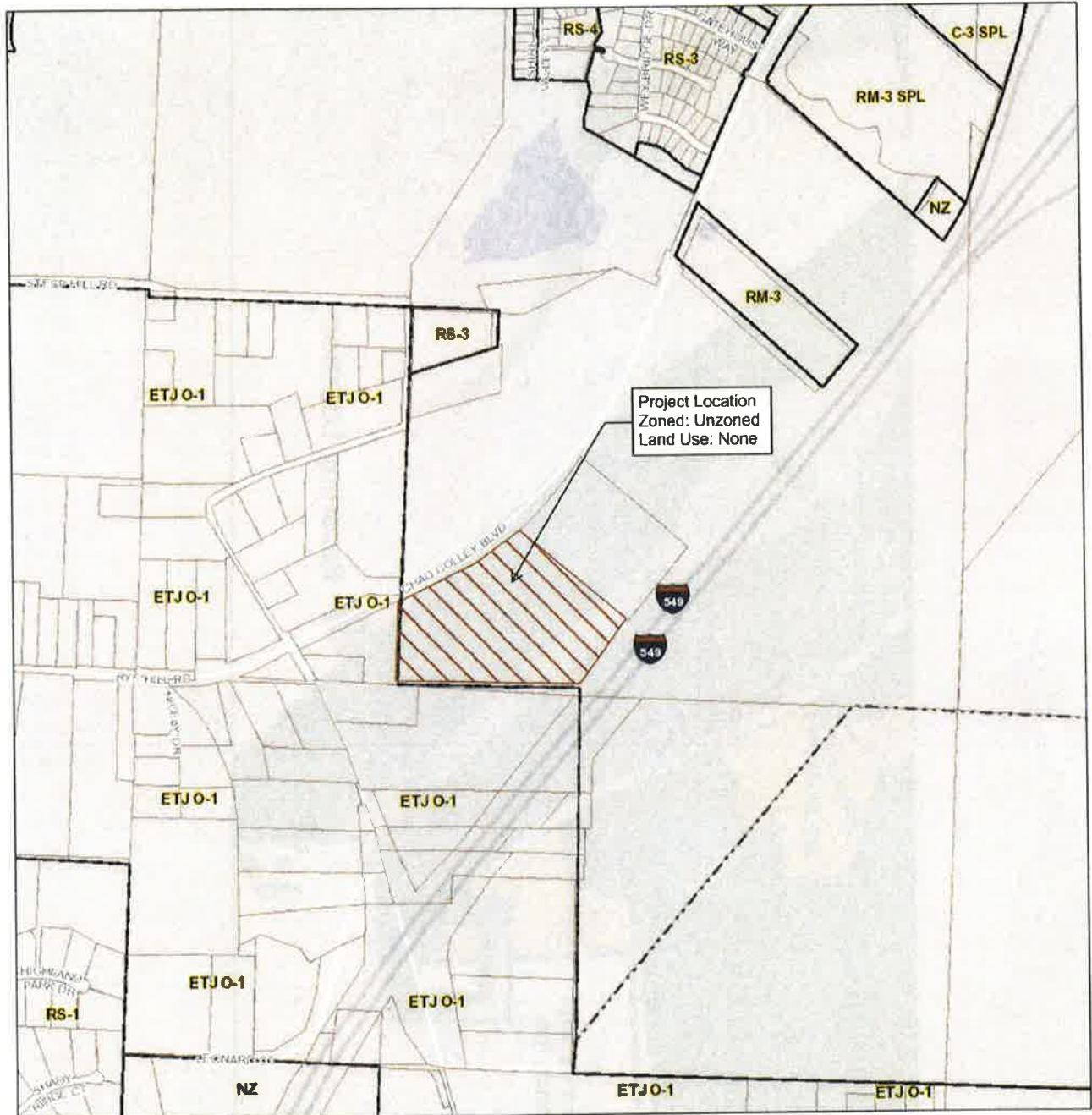
Brenda J Harkreader  
Harbin Family Trust  
10819 S Rye Hill Rd  
Fort Smith, AR 72916

Jerry & Billie Knittig  
8101 Steep Hill Rd  
Fort Smith, AR 72916

James & Ann Morocco  
PO Box 1613  
Van Buren, AR 72957

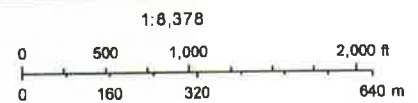


# Zoning Map

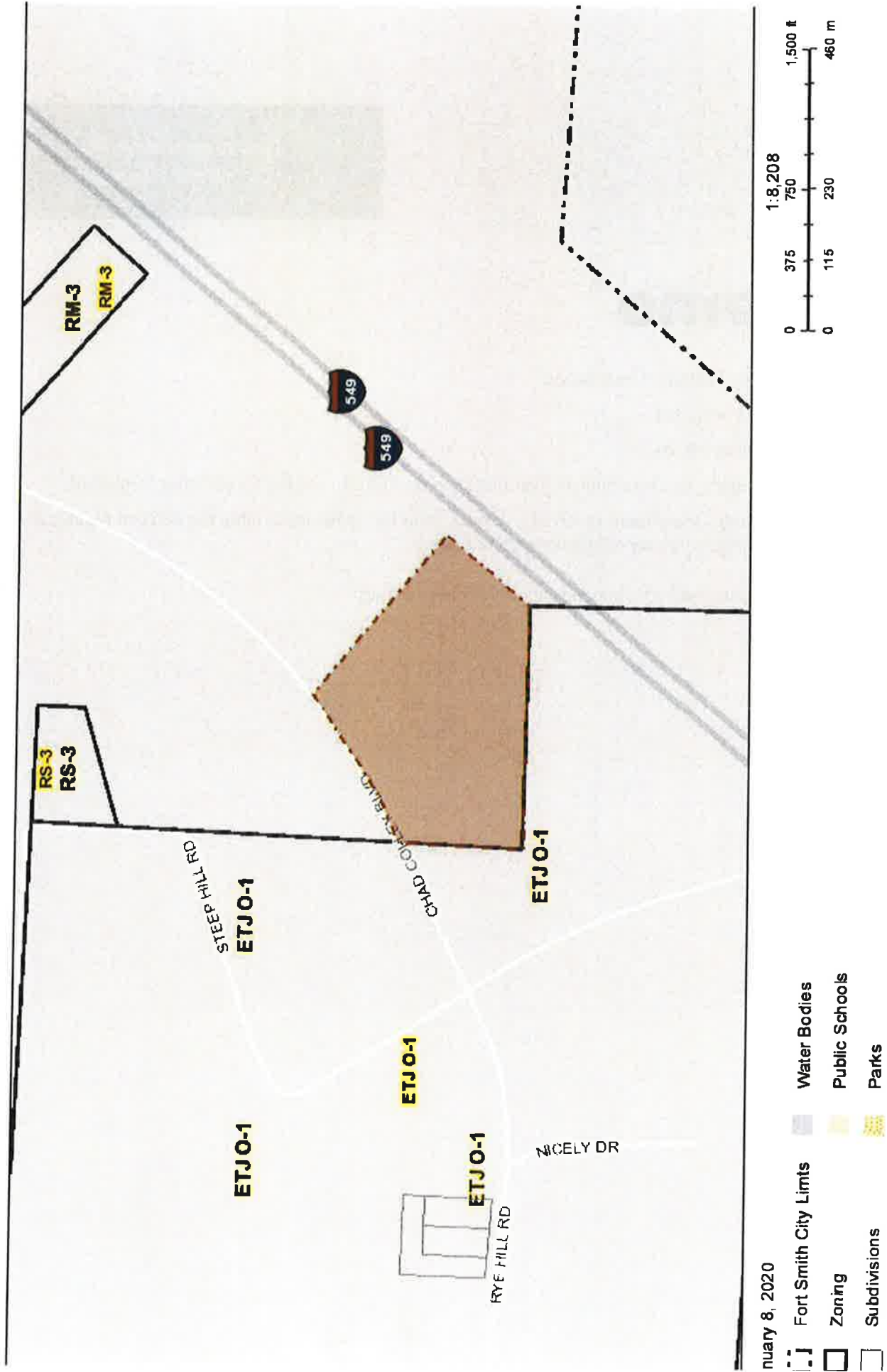


November 11, 2019

- : : Fort Smith City Limits
- : : Zoning
- : : Parcels
- : : Water Bodies
- : : Public Schools
- : : Parks



# Rezoning#1-1-20: From Not Zoned to Residential Single Family High Density (RS-4) 10501 Chad Colley Boulevard



**Development Plan  
Deferral Request**

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** January 8, 2020

**Re:** Request for Development Plan/Plat Deferral #1-1-20 – 10501 Chad Colley Boulevard

The Planning Department received a request from the applicant to table the deferral request so additional property owner notifications can be mailed.

The Planning Staff recommends approval of the request.

## Andrews, Brenda

---

**From:** Nicole Swanson <nswanson@erc.com>  
**Sent:** Friday, January 3, 2020 11:53 AM  
**To:** Andrews, Brenda  
**Subject:** [EXT]RE: [EXT]RE: 10501 Chad Colley

**CAUTION: EXTERNAL-EMAIL** This message originated from outside the organization. Please do not click on any links or open attachments unless you recognize the sender and know the content is safe.

Brenda, please accept this email as my official request to table the zoning request for 10501 Chad Colley.

Thank you.

**Nicole Swanson**  
Vice President - Create  
ERC, 8101 McClure Drive, Suite 201, Fort Smith, AR 72916  
479.478.5103 – phone | 479.650.0102 – cell | nswanson@erc.com



**From:** Andrews, Brenda <bandrews@FortSmithAR.gov>  
**Sent:** Thursday, January 2, 2020 4:02 PM  
**To:** Nicole Swanson <nswanson@erc.com>  
**Subject:** FW: [EXT]RE: 10501 Chad Colley

Nicole:

Would you have time to email the letter to me in the morning? We have to have the board packets ready by noon tomorrow.

**From:** Andrews, Brenda  
**Sent:** Monday, December 23, 2019 2:20 PM  
**To:** 'Nicole Swanson' <nswanson@erc.com>  
**Subject:** RE: [EXT]RE: 10501 Chad Colley

Thank you!

**From:** Nicole Swanson [<mailto:nswanson@erc.com>]  
**Sent:** Monday, December 23, 2019 2:19 PM  
**To:** Andrews, Brenda <bandrews@FortSmithAR.gov>  
**Subject:** [EXT]RE: 10501 Chad Colley



**Crafton Tull**  
architecture | engineering | surveying

8101 McClure Drive, Suite 202  
Fort Smith, AR 72916  
479.878.2467  
craftontull.com

November 18<sup>th</sup>, 2019

City of Fort Smith Planning Department

623 Garrison Ave, Suite 316

Fort Smith, AR 72916

In regards to the rezoning of the property located at 10501 S Chad Colley Boulevard, we are requesting a deferral of the major preliminary plat/development plan until a later planning commission date.

Please let us know if you have any questions or concerns.

Sincerely,

Connor Threet, EI

Crafton Tull & Associates



# Rezoning, Development Plan Deferral and Plat Deferral

10501 Chad Colley Boulevard

Chad Colley Boulevard

Single Family Residences

Single Family Residences

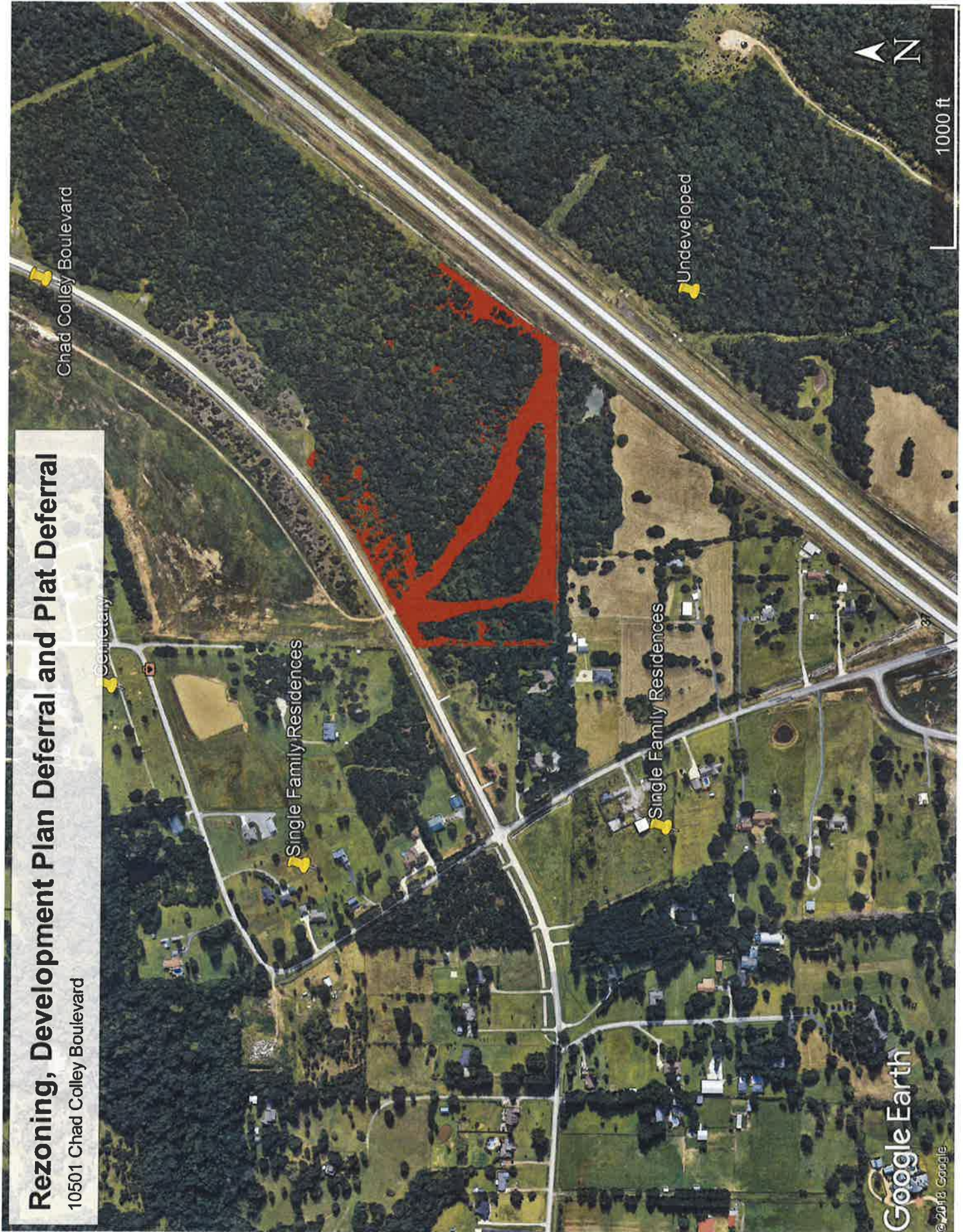
Undeveloped

Google Earth

© 2013 Google



1000 ft





# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** January 8, 2020

**Re:** Rezoning #2-1-20 - A request by Conner Threet, agent for ERC Create, LLC, for Planning Commission consideration of a zone request from Residential Single Family-Duplex Medium/High Density (RSD-3) to Residential Multifamily High Density (RM-4) by extension located at 7902 Veterans Avenue

## **PROPOSED ZONING**

Approval of the zone change and development plan will facilitate a multifamily development consisting of 27 single family residences on one lot.

## **LOT LOCATION AND SIZE**

The subject property is on the west side of Veterans Avenue between McClure Drive and Custer Boulevard. The tract contains an area of 4 acres with approximately 387 feet of street frontage along Veterans Avenue.

## **REQUESTED ZONING**

The requested zoning on this tract is Residential Multifamily High Density (RM-4). Characteristics of this zone are as follows:

### **Purpose:**

To provide high density attached homes, including multi-story residential buildings in those areas where such building types already exist, or where such buildings would be consistent with an area's established development pattern and character. The RM-4 zoning district is appropriate in urban areas in the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial categories of the Master Land Use Plan.

### **Permitted Uses:**

Single-family, duplex dwellings, multifamily (apartment and condominiums), community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

**Conditional Uses:**

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

**Area and Bulk Regulations:**

Minimum Lot Size – 5,000 square feet  
Maximum Density – 30 Dwelling Units/Acre  
Minimum Lot Width at Building Line – 50 feet  
Minimum Street Frontage – 20 feet  
Front Yard Setback - 20 feet  
Side Yard on Street Side of Corner Lot - 15 feet  
Side Yard Setback – 5 feet  
Rear Yard Setback - 5 feet  
Side/Rear adjacent to RS district/development – 40 feet  
Minimum building separation – 10 feet

Maximum Height - 40 feet (1+1)  
Maximum Lot Coverage - 70%

**EXISTING ZONING**

The existing zoning on this tract is Residential Single Family – Duplex Medium/High Density (RSD-3).

Characteristics of this zone are as follows:

**Purpose:**

To provide for medium-to-high density, compact single family detached and duplex development on new sites or as infill construction. Adequate public services and facilities shall be available with sufficient capacity to serve the proposed development. This zoning district is intended to serve as a transition between the lower density single family-duplex districts and the multifamily or commercial districts. RSD-3 zoning is appropriate in urban and suburban areas and primarily applies to the Residential Attached, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

**Permitted Uses:**

Single-family, duplex dwellings and family group homes are examples of permitted uses.

**Conditional Uses:**

Commercial communication towers, amateur radio transmitting towers, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes and churches are examples of uses permitted as conditional uses.

### **Area and Bulk Regulations:**

Minimum Lot Size – 6,500 square feet  
Maximum Density – 6.7 Dwelling Units/Acre  
Minimum Lot Width at Building Line – 60 feet  
Minimum Street Frontage – 20 feet  
Front Yard Setback - 25 feet  
Side Yard on Street Side of Corner Lot - 25 feet  
Side Yard Setback – 7.5 feet  
Rear Yard Setback - 10 feet  
Minimum building separation – 10 feet

Maximum Height - 35 feet (1+1)  
Maximum Lot Coverage - 60%

### **SURROUNDING ZONING AND LAND USE**

The property to the north has a zoning classification of Planned Zoning District (PZD) and is being developed as a single family subdivision.

The area to the east is not zoned and is developed as a storage facility.

The area to the south is zoned Residential Single Family High Density (RS-4) and is developed as a single family subdivision.

The area to the west is zoned (RM-4) and not zoned and is developed as a multifamily development.

### **MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Veterans Avenue as a Major Collector.

### **MASTER LAND USE PLAN COMPLIANCE**

The Chaffee Crossing Master Land Use Plan classifies the site as Mixed-Use Residential/Commercial/Office. This classification provides locations for a pedestrian-friendly environment to encourage the development of new village style communities where the mixed uses support other uses in the node.

### **NEIGHBORHOOD MEETING**

A neighborhood meeting was held on Tuesday January 7, 2020, at 5:00 P.M. at 8101 McClure Drive, Suite 201. No neighboring property owners attended the meeting.

### **STAFF RECOMMENDATIONS**

Staff recommends approval of the zoning request subject to Planning Commission approval of the proposed development plan.

## PETITION FOR CHANGE IN ZONING MAP

**Before the Planning Commission of the City of Fort Smith, Arkansas**

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)
2. Address of property: 7902 Veterans Avenue
3. The above described property is now zoned: RSD-3
4. Application is hereby made to change the zoning classification of the above described property to RM-4 by Extension  
(Extension or classification)
5. Why is the zoning change requested?  
Redevelopment at Chaffee Crossing  
\*see attached development plan
6. Submit any proposed development plans that might help explain the reason for the request.

Signed:

**Crafton Tull & Associates**

---

**Owner or Agent Name**  
*(please print)*

8101 McClure Drive, Suite 202  
Fort Smith, AR 727916

---

**Owner or Agent Mailing Address**

(479) 878-2467

---

**Owner or Agent Phone Number**

Owner

or

Agent

**LIST OF OWNERS OF ALL PROPERTY WITHIN 300 FEET**

**(Please Type or Print)**

The Planning Department is required to give notice (in writing) of this application to all surrounding property owners. List the name and address of the owner of every piece of property within 300 feet of any part of the property. This information may be obtained at the County Assessor's Office located in the Sebastian County Courthouse - Room 107. Please call the Tax Assessor's Office at 783-8948 for an appointment. (The Planning Department will mail the notices for you.)

	<u>NAME</u>	<u>ADDRESS</u>
1.	<u>ERC Holdings, LLC</u>	<u>8101 McClure Dr, Suite 201, Fort Smith, AR 72916</u>
2.	<u>Bost Human Development Services</u>	<u>4401 Yorkshire Drive, Fort Smith, AR 72916</u>
3.	<u>Rodebush, Rock L &amp; Linda K, Liv Trust</u>	<u>P.O. Box 11760, Fort Smith, AR 72917</u>
4.	<u>Mr Capital Partners, LLC</u>	<u>P.O. Box 181060 Fort Smith, AR 72918</u>
5.	<u></u>	<u></u>
6.	<u></u>	<u></u>
7.	<u></u>	<u></u>
8.	<u></u>	<u></u>
9.	<u></u>	<u></u>
10.	<u></u>	<u></u>
11.	<u></u>	<u></u>
12.	<u></u>	<u></u>
13.	<u></u>	<u></u>
14.	<u></u>	<u></u>
15.	<u></u>	<u></u>
16.	<u></u>	<u></u>
17.	<u></u>	<u></u>

**LETTER REGARDING RESTRICTIVE COVENANTS**

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property *(Insert legal description)*

Lot 2, Veterans Addition, and addition of the City  
of Fort Smith, Sebastian County, Arkansas

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land except as follows: \*

Requirements of Chaffee Crossing Redevelopment

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---

---

---



Signature

*(\* If no restrictive covenants exist, indicate "none".)*

**LIST OF OWNERS OF ALL PROPERTY TO BE REZONED**

List the names and addresses of all owners of property included within the area requested by this petition to be rezoned.

<u>NAME</u>	<u>ADDRESS</u>
1. ERC Create, LLC	8101 McClure Drive, Suite 201
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	



**AUTHORIZATION OF AGENT**

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize Crafton Tull & Associates to act as our agent in the matter.  
(Print Name of Agent)

(Type or clearly print)

**NAMES OF ALL OWNERS.**

1. ERC Create, LLC
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

**SIGNATURE OF ALL OWNERS.**

Jicole Swanson, mgr.

*This form is necessary only when the person representing this request does not own all property.*

**ATTENDANCE LIST FOR NEIGHBORHOOD MEETING**

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

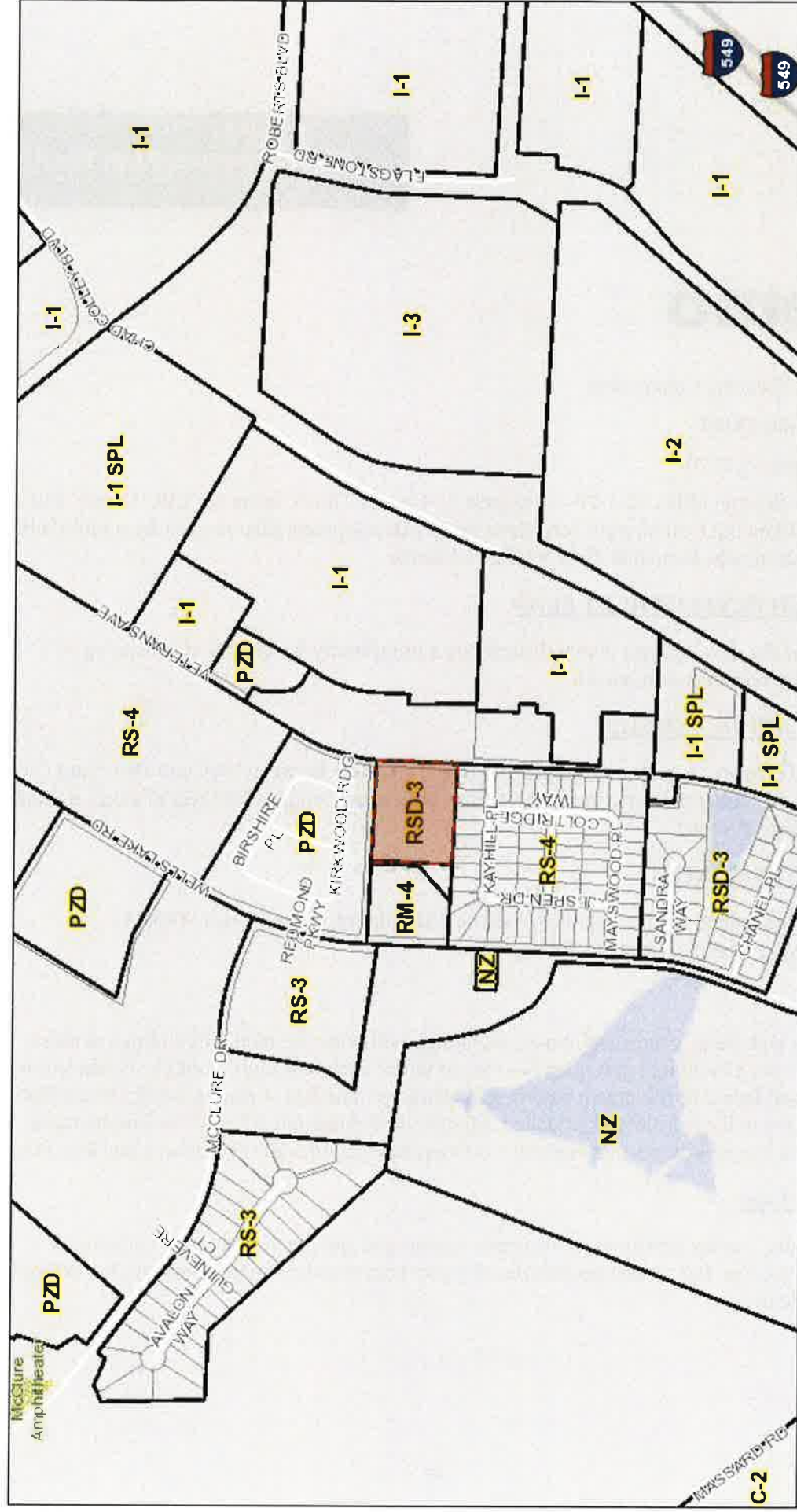
Meeting Location 8101 McClure Drive, Suite 202

Meeting Time & Date Tuesday, January 7th, 2020, 5:00 pm

Meeting Purpose Rezoning and Development Plan

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Conrad Threet	8101 McClure Dr SE 202	479-878-2461
2.	Tom Monner	CITY	784-2218
3.	Nicole Simon	ERC	650.0102
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			

# Rezoning #2-1-20: From Residential Single Family-Duplex Medium/High Density (RSD-3) to Residential Multifamily High Density (RM-4) at 7902 Veterans Avenue



December 27, 2019

- Fort Smith City Limits
- Zoning
- Subdivisions
- Water Bodies
- Public Schools
- Parks

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** January 8, 2020

**Re:** Development Plan #2-1-20 - A request by Conner Threet, agent for ERC Create, LLC, for Planning Commission consideration of a development plan request for a multifamily development located at 7902 Veterans Avenue

## **PROPOSED DEVELOPMENT PLAN**

Approval of the development plan will facilitate a multifamily development consisting of 27 single family residences on one lot.

## **LOT LOCATION AND SIZE**

The subject property is on the west side of Veterans Avenue between McClure Drive and Custer Boulevard. The tract contains an area of 4 acres with approximately 387 feet of street frontage along Veterans Avenue.

## **REQUESTED ZONING**

The requested zoning on this tract is Residential Multifamily High Density (RM-4). Characteristics of this zone are as follows:

### **Purpose:**

To provide high density attached homes, including multi-story residential buildings in those areas where such building types already exist, or where such buildings would be consistent with an area's established development pattern and character. The RM-4 zoning district is appropriate in urban areas in the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial categories of the Master Land Use Plan.

### **Permitted Uses:**

Single-family, duplex dwellings, multifamily (apartment and condominiums), community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

### **Conditional Uses:**

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

### **Area and Bulk Regulations:**

Minimum Lot Size – 5,000 square feet	Maximum Height - 40 feet (1+1)
Maximum Density – 30 Dwelling Units/Acre	Maximum Lot Coverage - 70%
Minimum Lot Width at Building Line – 50 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 20 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 5 feet	
Rear Yard Setback - 5 feet	
Side/Rear adjacent to RS district/development – 40 feet	
Minimum building separation – 10 feet	

### **SURROUNDING ZONING AND LAND USE**

The property to the north has a zoning classification of Planned Zoning District (PZD) and is being developed as a single family subdivision.

The area to the east is not zoned and is developed as a storage facility.

The area to the south is zoned Residential Single Family High Density (RS-4) and is developed as a single family subdivision.

The area to the west is zoned (RM-4) and not zoned and is developed as a multifamily development.

### **MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Veterans Avenue as a Major Collector.

### **SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – All ingress and egress will occur on the two (2) proposed driveways located on Veterans Avenue.

**Easement/utilities** – The developer must agree to meet all franchise and city utility easement requirements. Additionally, the development must comply with the City's Subdivision Design and Improvement Standards and the Standard Specification for Public Works Construction.

**Drainage** – The plans indicate that a detention pond will be located on the southeast portion of the development for drainage.

**Right-of-way dedication** – No additional right-of-way is required.

**Landscaping** – The plans show a 12.5 feet wide perimeter landscaping strip along Veterans Avenue.

**Screening** – An existing 6' privacy fence is on the north property line and a 6' privacy fence is proposed along the south property line.

**Parking** – The elevation pages indicate that each unit will have a garage.

**Signage** – No signage is shown.

**Lighting** – No lighting is shown.

**Architectural features** – The development plan includes three elevation types; two house styles with 100% brick and one style with a brick wainscot and vinyl siding.

**Height and Area** – Each residence will be one (1) story and approximately 1,200 s.f.

### **NEIGHBORHOOD MEETING**

A neighborhood meeting was held on Tuesday January 7, 2020, at 5:00 P.M. at 8101 McClure Drive, Suite 201. No neighboring property owners attended the meeting.

### **STAFF RECOMMENDATIONS**

Staff recommends approval of the application subject to the following:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

## DEVELOPMENT PLAN REVIEW APPLICATION

**Before the Planning Commission of the City of Fort Smith, Arkansas**

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)
2. Address of property: 7902 Veterans Avenue
3. The above described property is now zoned: RSD-3
4. Does the development plan include a companion rezoning request?  
Yes X No
5. If yes, please specify the companion application submitted:
  - ☒ Conventional Rezoning
  - ☐ Planned Rezoning
  - ☐ Conditional Use
  - ☐ Master Land Use Plan Amendment
  - ☐ Variance
6. If applicable, a companion rezoning application is proposed to change the zoning classification of the above described property to:  
RM-4 by Extension  
(Zoning Classification) (Extension or classification)
7. Existing zoning, structures and driveways on surrounding properties within 300 feet of subject property:  
ERC Holdings, LLC, PZD & RS-4, Bost Human Development Services, RM-4  
Rodebush, Rock L & Linda K, Liv Trust, Unzoned, Mr Capital Partners, LLC, Unzoned
8. Total acreage of property 4.00 acres

Signed:

Crafton Tull & Associates

Owner or Agent Name  
*(please print)*

8101 McClure Drive, Suite 202  
Fort Smith, AR 727916

Owner or Agent Mailing Address

(479) 878-2467

Owner or Agent Phone Number

\_\_\_\_\_  
Owner

or



\_\_\_\_\_  
Agent



**LETTER REGARDING RESTRICTIVE COVENANTS**

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property *(Insert legal description)*

Lot 2, Veterans Addition, and addition of the City  
of Fort Smith, Sebastian County, Arkansas

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land except as follows: \*

Requirements of Chaffee Crossing Redevelopment

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Signature

*(\* If no restrictive covenants exist, indicate "none".)*

**LIST OF OWNERS OF ALL PROPERTY WITHIN 300 FEET**

**(Please Type or Print)**

If a public hearing is required the Planning Department is required to give notice (in writing) of this application to all surrounding property owners. List the name and address of the owner of every piece of property within 300 feet of any part of the property. This information may be obtained at the County Assessor's Office located in the Sebastian County Courthouse - Room 107. Please call the Tax Assessor's Office at 783-8948 for an appointment. (The Planning Department will mail the notices for you.)

<u>NAME</u>	<u>ADDRESS</u>
1. <u>ERC Holdings, LLC</u>	<u>8101 McClure Dr, Suite 201, Fort Smith, AR 72916</u>
2. <u>Bost Human Development Services</u>	<u>4401 Yorkshire Drive, Fort Smith, AR 72916</u>
3. <u>Rodebush, Rock L &amp; Linda K, Liv Trust</u>	<u>P.O. Box 11760, Fort Smith, AR 72917</u>
4. <u>Mr Capital Partners, LLC</u>	<u>P.O. Box 181060 Fort Smith, AR 72918</u>
5. _____	_____
6. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____

### AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize Crafton Tull & Associates to act as our agent in the matter.  
(Print Name of Agent)

(Type or clearly print)

#### NAMES OF ALL OWNERS.

1. ERC Create, LLC
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

#### SIGNATURE OF ALL OWNERS.

Jicole Swanson, Mgr.

*This form is necessary only when the person representing this request does not own all property.*



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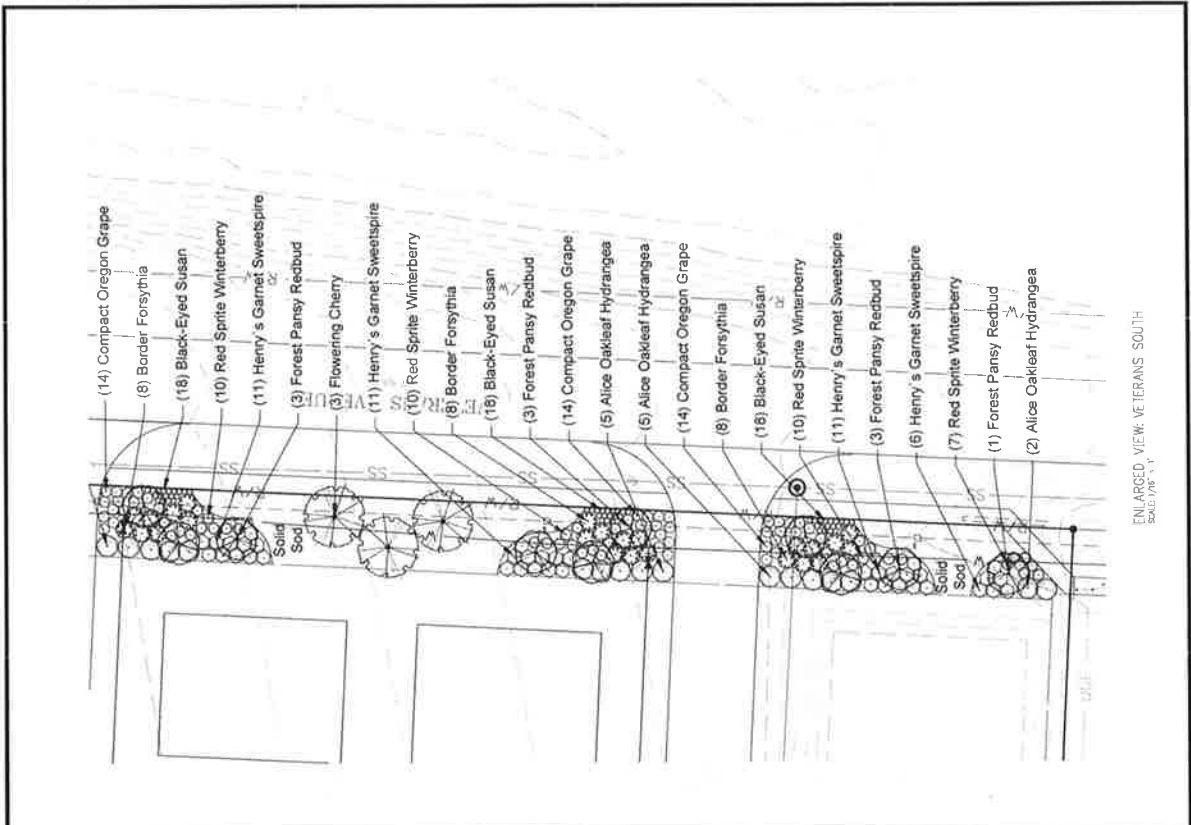
BROOKSTONE PLACE  
 PORT SMITH, CA



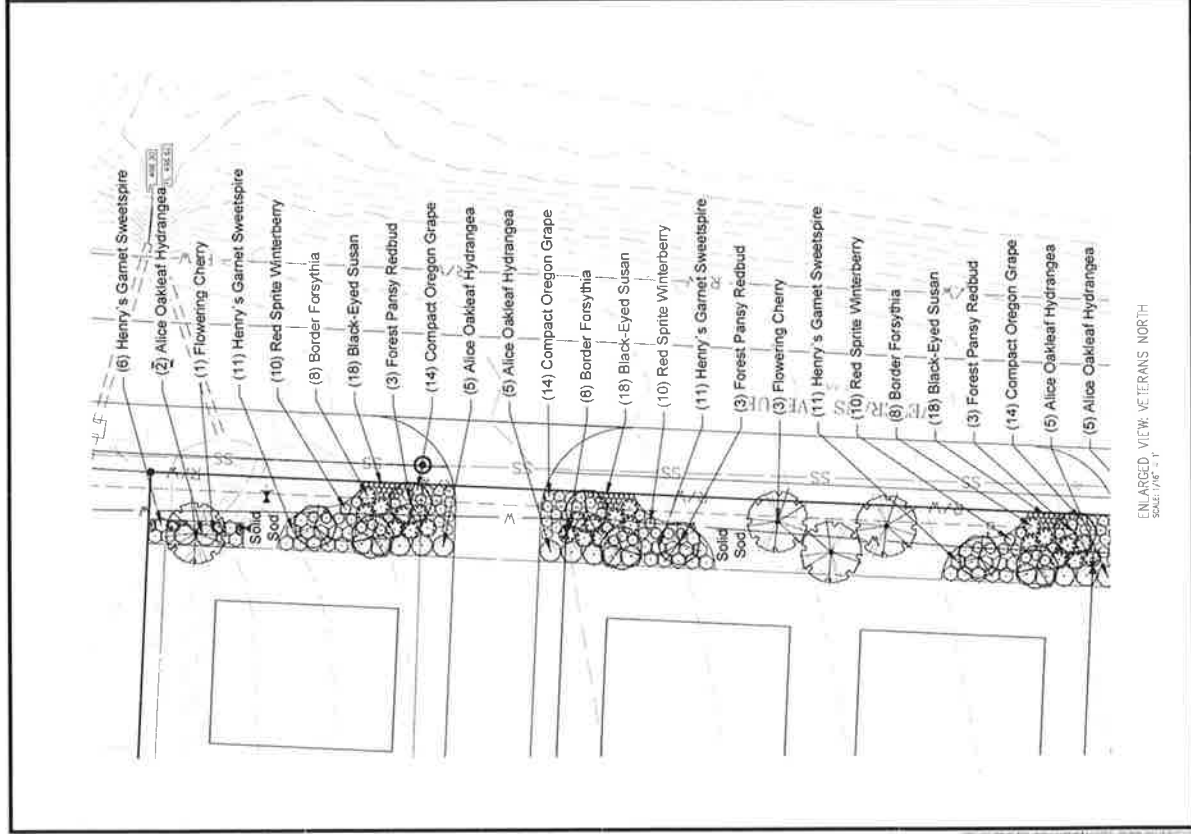
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2	10/1/14	PRELIMINARY PLANS
3	10/1/14	PRELIMINARY PLANS
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18	10/1/14	PRELIMINARY PLANS
19	10/1/14	PRELIMINARY PLANS
20	10/1/14	PRELIMINARY PLANS

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ENLARGED PLANTING PLAN  
 L-102

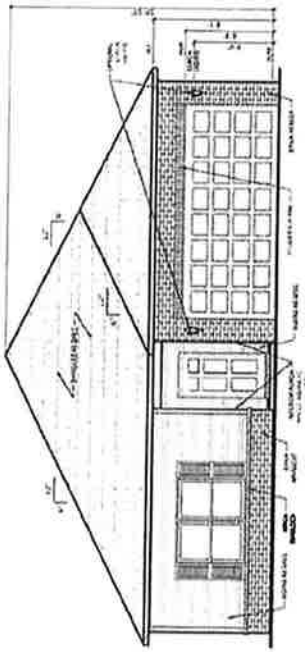


ENLARGED VIEW: VETERANS SOUTH  
 SCALE: 1/8" = 1'

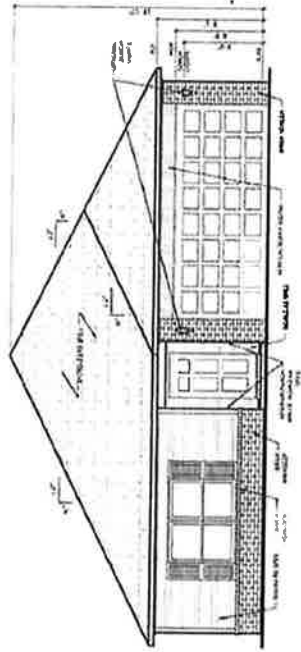


ENLARGED VIEW: VETERANS NORTH  
 SCALE: 1/8" = 1'

NOTE:  
 1. TO SHOW AN ADJUSTMENT TO THE DRAWING  
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FRONT ELEVATION 8 PLATE  
 UNIT 100-100



FRONT ELEVATION 8 PLATE  
 UNIT 100-100

<p><b>Elevation A 6-12</b></p> <p><b>The Ross-RH</b></p>		<p>HBS</p> <p>1/31/2018</p> <p>1/8" = 1'-0"</p> <p>02.04</p>	<p><b>A1.1</b></p>
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## The Ross-RH

1/2018

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## 2.04

100

**Abstract**

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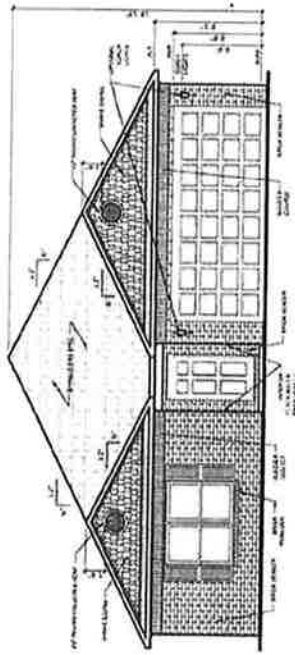
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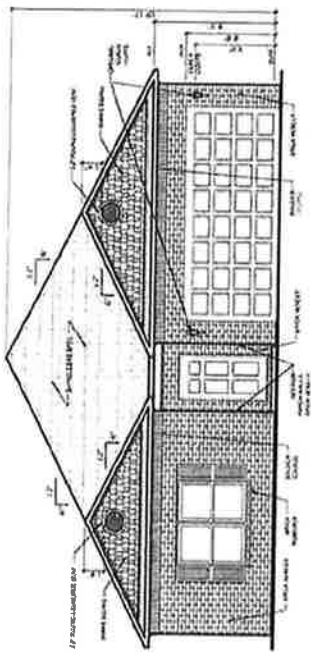
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<div style="display: flex; justify-content: space-between;"> <div> <p><b>Elevation C 6-12</b></p> <p><b>The Ross-RH</b></p> </div> <div> <p>DATE: 3/31/2018</p> <p>SCALE: 1/8" = 1'-0"</p> <p>PROJECT: HBS</p> </div> </div>	
<p><b>02.04</b></p>	
<p><b>A1.1</b></p>	



FRONT ELEVATION 8' PLATE



FRONT ELEVATION 9' PLATE

**NOTE:**

1. All dimensions are in feet and inches.

2. All dimensions are to the center of the member unless otherwise noted.

3. All dimensions are to the finished surface unless otherwise noted.

4. All dimensions are to the exterior face of the member unless otherwise noted.

5. All dimensions are to the interior face of the member unless otherwise noted.

6. All dimensions are to the center of the member unless otherwise noted.

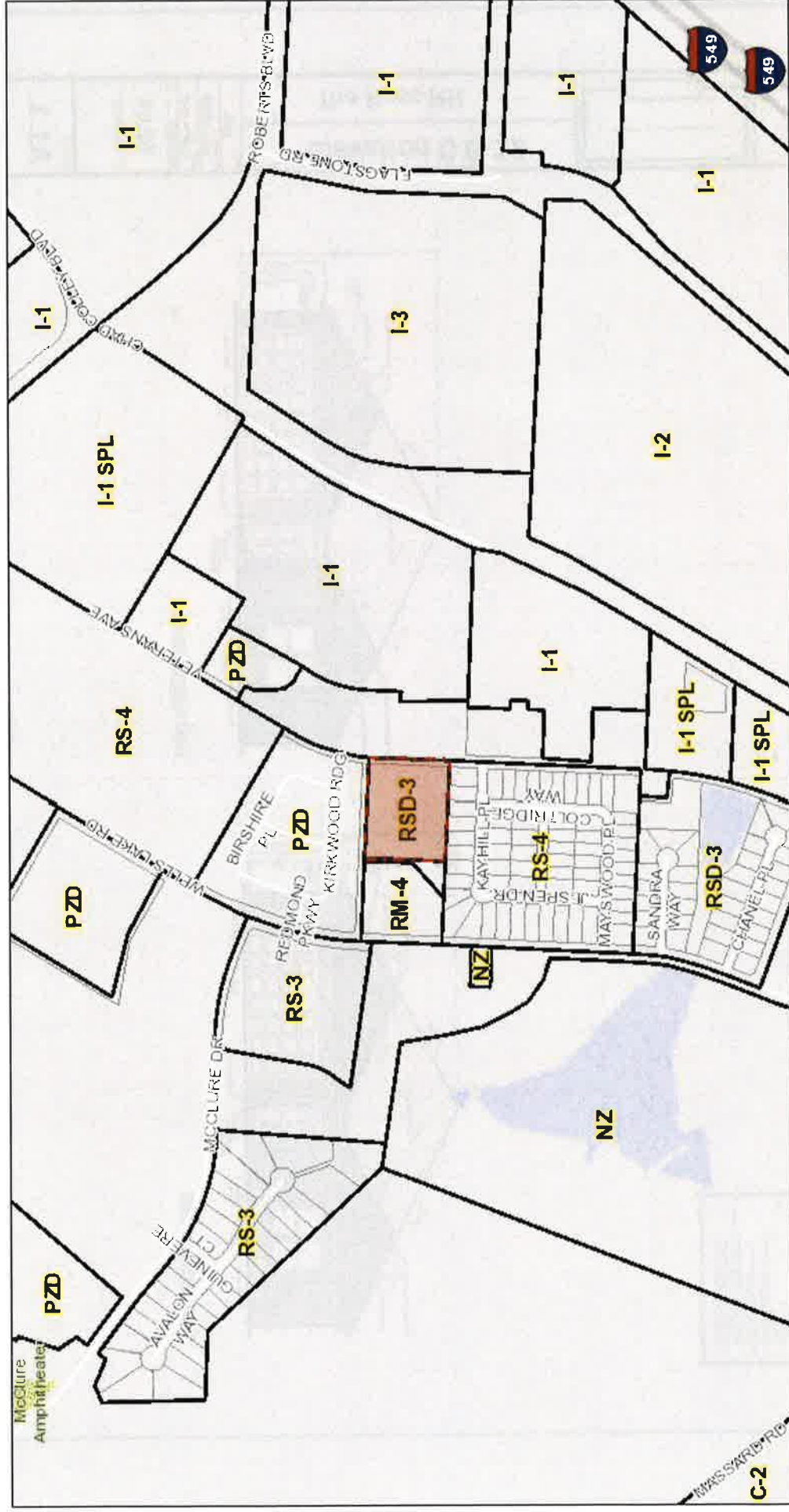
7. All dimensions are to the finished surface unless otherwise noted.

8. All dimensions are to the exterior face of the member unless otherwise noted.

9. All dimensions are to the interior face of the member unless otherwise noted.

10. All dimensions are to the center of the member unless otherwise noted.

# Development Plan #2-1-20: Multifamily Development 7902 Veterans Avenue



December 27, 2019

- Fort Smith City Limits
- Water Bodies
- Zoning
- Public Schools
- Subdivisions
- Parks

## Master Land Use Plan Amendment

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** January 8, 2020

**Re:** Master Land Use Plan Amendment #1-1-20 submitted by Blew & Associates, agent for O'Reilly Automotive Stores/ Robert E. Plunkett Living Trust, at 5500 Towson Avenue from Residential Detached to General Commercial.

The Planning Department is in receipt of an application from Blew & Associates, agent for O'Reilly Automotive Stores/ Robert E. Plunkett Living Trust, to amend the Master Land Use Map from Residential Detached to General Commercial to accommodate a proposed Commercial Heavy (C-5) zoning request. The subject property is located southwest of the Towson Avenue and Vicksburg Street intersection. The tract contains an area of 1.46 acres with approximately 200 feet of street frontage along Towson Avenue and approximately 300 feet of street frontage along Vicksburg Street.

The property is currently zoned Residential Multifamily Medium Density (RM-3) and Commercial Heavy (C-5). A companion zoning application requests for a Commercial Heavy (C-5) zoning. The Master Land Use Plan is a guide to zoning and development and must be considered with the companion application. The area the applicant requests be amended to General Commercial is approximately 0.3 acres.

### ADJACENT LAND USE CLASSIFICATIONS AND USES

Land Use classification and uses contiguous to the subject lot are as follows:

The area to the north is classified as General Commercial and Residential Detached and is developed as a pawn shop and single family residences.

The area to the east is classified as General Commercial and is developed as a restaurant and hotel/motel.

The area to the south is classified as General Commercial and is developed as an auto and vehicle dealer.

The area to the west is classified as Residential Detached and is developed as a single family residence.

The proposed Land Use classification of **General Commercial** is described as follows:

The General Commercial land use classification is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community.

**Characteristics and Use:**

**Criteria for Designation:**

**General Commercial**

**Compliance Noted**

- |   |            |
|---|------------|
| • Compatible with, and complimentary to, neighboring uses   | <b>YES</b> |
| • Located on high volume arterials and collectors   | <b>YES</b> |
| • Located as a cluster of like services   | <b>YES</b> |
| • Accessible by most modes of transportation  | <b>YES</b> |
| • Appropriately located, for minimum impact to adjacent uses, and, by volume of activity and trips generated by use | <b>YES</b> |

**MASTER LAND USE PLAN COMPLIANCE**

The Master Land Use Plan classifies the site as General Commercial and Residential Detached. The Residential Detached classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values. The General Commercial classification is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community.

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Towson Avenue as a Major Arterial and Vicksburg Street as a local road.

**NEIGHBORHOOD MEETING**

A neighborhood meeting was held on Tuesday, January 7, 2020, at 5:30 P.M. at Creekmore Park Community Center located at 3301 South M Street. No neighboring property owners attended the meeting.

**STAFF COMMENTS**

In staff's opinion, the proposed Master Land Use Plan amendment is compatible with the surrounding land uses and master land use map classifications.

**STAFF RECOMMENDATIONS**

Staff recommends approval of the amendment contingent upon planning commission approval of the proposed rezoning application.

### Application Type

☒ Minor Amendment   
 ☐ Standard Amendment   
 ☐ Major Amendment  
 (See Section 27-328-5 C. (Criteria))

Request to Amend Map ☒   
 Request to Amend Text ☐

Applicant Name: Sebrina Ricks		
Firm Name: Blew & Associates, P.A.		
Address: 6511 Heilman Court, North Little Rock, AR 72118		
Phone # (day): 501-455-4984    Phone # (cell): 501-231-9961    Fax #: 501-758-9782		
Owner Name: Robert E Plunkett Bypass Trust		
Owner Address: 10909 Greyfair Lane, Fort Smith, AR 72908		
Phone # (day):	Phone # (cell):	Fax #:
Property Address (subject property): 5500 Towson Avenue		
<b>Subject Property</b>		
Current Land Use: Car Lot		
Existing MLUP Classification: Residential Detached and General Commercial		
Proposed MLUP Classification: General Commercial		
Existing Zoning Classification: RM-3 and C-5		
Proposed Zoning Classification: C-5		
<b>Surrounding Property</b>		
Current Land Use: north- Gold, Silver & Coin Store		
south- Car Lot		
east- Restaurant and Motel		
west- Vacant		
Existing MLUP Classification: north: General Commercial and Residential Detached		
south: General Commercial		
east: General Commercial		
west: Residential Detached		
Existing Zoning Classification: north: C-5 and RM-3		
south: C-5 and RM-3		
east: C-5		
west: RM-3		
Pre-Application Meeting Date: May 15, 2019		

**For a Minor, Standard or Major Master Land Use Plan Amendment,** please attach the following information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

1. A legal description of the subject property that is to be amended (reclassified).  
See attached Subject Property Description.
2. A map of the property which includes the scaled distance, legal description, and general vicinity map inset showing the property's location. See attached description.
3. The area dimensions of the property in square feet or acres. 1.461 acres

4. Describe existing road conditions and new roads to be included in the development and the effect of the proposed development on existing roads and traffic conditions:

Site is bound by Towson Ave./Hwy 71 on the east side of the site which includes 4 lanes plus a partial turning lane at the intersection of Towson Ave. and Vicksburg and bound on the north side by S. Vicksburg Street which is a 2 lane road. No new roads to be developed. We believe the proposed development will not cause any significant issues with the existing roads or traffic conditions.

5. Describe the existing public utility services and infrastructure (such as water, sewer, fire/police) which are available to the property and the source/method of providing additional utilities and infrastructure to the property if necessary:  
Electric and sewer is on site. There is a water main on the north side of S. Vicksburg Street. Gas mains are located on the north side of S. Vicksburg with a service line that runs south to the subject property, as well as a gas main on the east side of Towson Ave./Hwy 71.

6. Provide a statement of the proposed build-out density and maximum potential build-out density (units per acre) permitted by the proposed land use classification:

The site is approximately 1.461 acres. We will build out the build-out area with the proposed building, parking area, required setbacks, landscape buffers, and other city zoning/building requirements.

7. Identify any known or anticipated environmental concerns:

None

**For a Standard or Major Master Land Use Plan Amendment only,** please attach the following additional information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

8. An analysis of the impact of the amendment on surrounding properties and plans in terms of:

Certification

Once an application has been deemed complete, the applicant shall not modify it unless requested or agreed upon by the Planning Department. Should the applicant request a modification to the application after it has been advertised for public hearing, it shall be at the discretion of the Planning Commission to review or continue the application. A re-advertising fee may be required.

I, the undersigned applicant, hereby certify that the information contained in this application is true and correct to the best of my knowledge and belief. I grant the appropriate City personnel permission to enter the subject property during reasonable hours so that they may investigate and review this application.

Sabrina Ricks  
Signature (Agent/Owner)

12/19/19  
Date

---

The City of Fort Smith requires complete applications. If your application does not include all of the information required for submission, it will not be processed.

---



## LETTER REGARDING RESTRICTIVE COVENANTS

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property *(Insert legal description)*

A TRACT OF LAND BEING A PART OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 8 NORTH, RANGE 32 WEST, SEBASTIAN COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING FROM THE NORTHEAST CORNER OF SAID TEN ACRE TRACT, THENCE ALONG THE EAST LINE OF SAID TEN ACRE TRACT, S03°11'04" W A DISTANCE OF 49.42'; THENCE LEAVING SAID EAST LINE N86°48'56"W A DISTANCE OF 40.00' TO SET 1/2" REBAR LOCATED ON THE WESTERLY RIGHT-OF-WAY OF TOWSON AVENUE, ALSO KNOWN AS HIGHWAY 71B, THENCE ALONG SAID RIGHT-OF-WAY; THENCE S03°07'35"W A DISTANCE OF 171.03' TO A SET 1/2" REBAR; THENCE LEAVING SAID RIGHT-OF-WAY N87°01'27"W A DISTANCE OF 319.47' TO A SET 1/2" REBAR; THENCE N02°58'33"E A DISTANCE OF 200.00' TO A SET 1/2" REBAR LOCATED ON THE SOUTHERLY RIGHT-OF-WAY OF SOUTH VICKSBURG STREET; THENCE ALONG SAID RIGHT-OF-WAY S87°01'27"E A DISTANCE OF 289.97' TO A FOUND MAG NAIL; THENCE LEAVING SAID RIGHT-OF-WAY S03°25'42" W A DISTANCE OF 1.91' TO A FOUND MAG NAIL; THENCE S65°07'37"E A DISTANCE OF 21.55' TO A FOUND MAG NAIL; THENCE S24°40'03"E A DISTANCE OF 21.48' TO THE POINT OF BEGINNING. CONTAINING 63,633 SQUARE FEET, 1.461 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land except as follows: \*

None.

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---

  
Signature

(\* If no restrictive covenants exist, indicate "none".)



**City of Fort Smith, Arkansas**  
**Appointment of Agent Affidavit**

We, Robert E. Plunkett, Trustee of the Robert E. Plunkett Living Trust U/T/D May 7, 1992 (Property Owner(s)), certify by our signature that we hereby authorize Blew & Associates, P.A. (Authorized Representative) to act as my agent regarding the rezoning, variances, annexation, platting, easement/Right-of-Way/Alley/Street abandonments, relocations, and/or dedications, and Site Plan Review of the below described property.

Parcel # 18883-0000-01794-00, and being described in Warranty Deed Book 607 Page 001 and Trustee's Deed Book 682 Page 467.

AS SURVEYED:

A TRACT OF LAND BEING A PART OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 8 NORTH, RANGE 32 WEST, SEBASTIAN COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

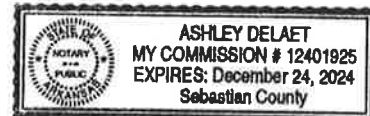
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Robert E. Plunkett Trustee 11-18-19  
Signature of Title Holder Title Date

Subscribed and sworn to me, a Notary Public on this 18 day November of, 2019.

Notary Public: [Signature]

My commission expires: 12.24.2024



**City of Fort Smith, Arkansas**  
**Appointment of Agent Affidavit**

We, O'Reilly Automotive Stores, Inc. (Developer(s)/Purchaser), certify by our signature that we hereby authorize Blew & Associates, P.A. (Authorized Representative) to act as my agent regarding the rezoning, variances, annexation, platting, easement/Right-of-Way/Alley/Street abandonments, relocations, and/or dedications, Site Plan Review and Master Land Use Plan Amendment of the below described property.

Parcel # 18883-0000-01794-00, and being described in Warranty Deed Book 607 Page 001 and Trustee's Deed Book 682 Page 467.

**AS SURVEYED:**

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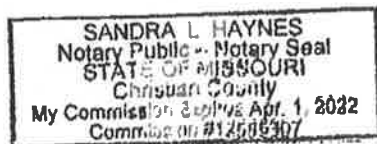
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Signature of Developer/Purchaser

Sr. VP Legal & General Counsel 1/6/20  
Title Date

Subscribed and sworn to me, a Notary Public on this 10 day January of, 2020.

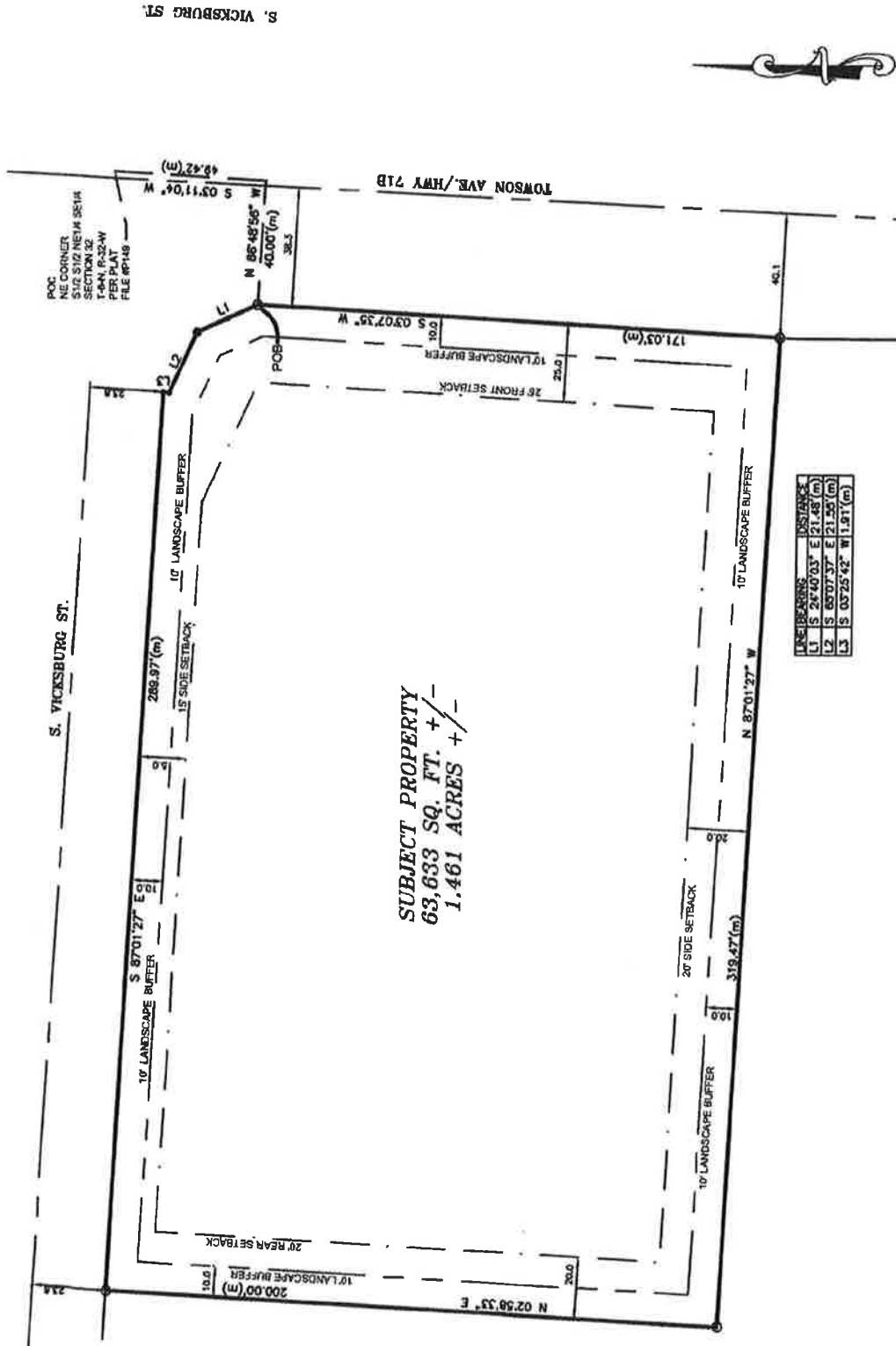
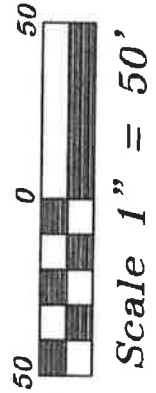
Notary Public: Sandra L. Haynes



LAND USE PLAN AMENDMENT EXHIBIT  
FOR USE & BENEFIT OF:  
O'REILLY AUTOMOTIVE STORES, INC.  
CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

**Blew & Associates, P.A.**  
Land Surveying • Planning • GPS • Subdivision • Design • Engineering  
6511 Hellman Court  
North Little Rock, AR 72118  
TELE. (501) 455-4984 FAX (501) 455-8158  
www.blewinc.com

DATE: 12/19/19 SCALE: 1"=50' DRAWN BY: SDR SURVEYED BY: N/A CHECKED BY: N/A PROJECT NO.: 19-4195.02



LINE	BEARING	DISTANCE
L1	S 24°40'03" E	21.48 (m)
L2	S 85°07'37" E	21.50 (m)
L3	S 03°25'42" W	11.91 (m)

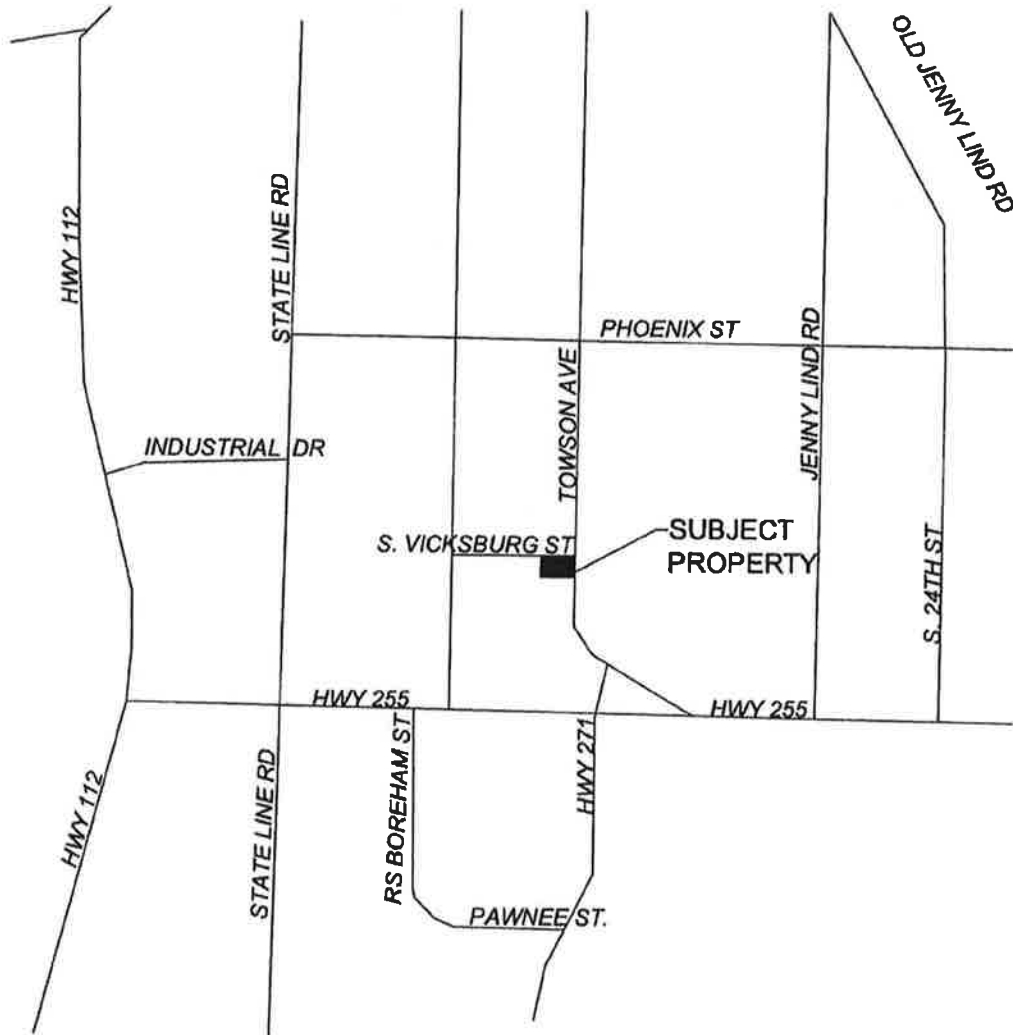
(As Surveyed) Property Description

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SUBJECT PROPERTY DESCRIPTION: (AS PER SURVEY)

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DATE: 12/17/19 | SCALE: NTS | DRAWN BY: SDR | SURVEYED BY: N/A | CHECKED BY: N/A | PROJECT No.: 19-4195.02

## Blew & Associates, P.A.

*Land Surveying • Planning • GPS • Subdivision • Design • Engineering*

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### VICINITY MAP

FOR USE & BENEFIT OF:  
O'REILLY AUTOMOTIVE STORES, INC.

CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

# O'Reilly - Fort Smith (AR) Land Use Map

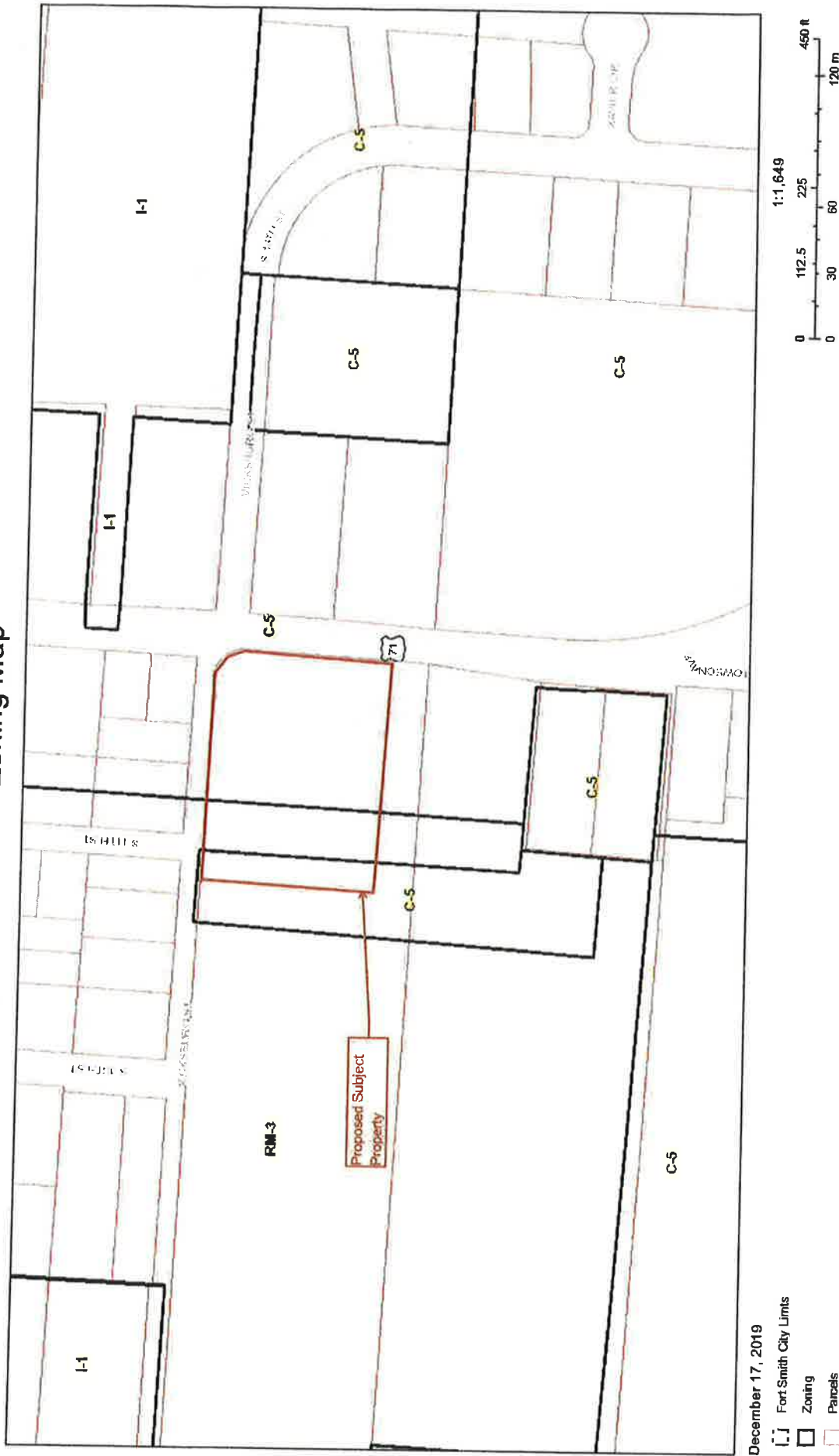


December 17, 2019

Fort Smith City Limits

- Parcels
- Water Bodies
- Public Schools
- Parks

# O'Reilly - Fort Smith (AR) Zoning Map





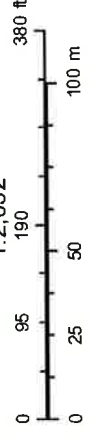
# Master Land Use#1-1-20: From Residential Detached to General Commercial 5500 Towson Avenue



January 9, 2020

- Fort Smith City Limits
- Public Schools
- Parks
- Subdivisions
- Water Bodies

1:2,052





# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** December 31, 2019

**Re:** Rezoning #3-1-20 - A request by Blew & Associates, agent for O'Reilly Automotive Stores/ Robert E. Plunkett Living Trust, for Planning Commission consideration of a zone request from Residential Multifamily Medium Density (RM-3) to Commercial Heavy (C-5) by extension located at 5500 Towson Avenue

## **PROPOSED ZONING**

The rezoning, master land use plan amendment, and development plan will facilitate the development of an auto parts and accessory sales store.

## **LOT LOCATION AND SIZE**

The subject property is located southwest of the Towson Avenue and Vicksburg Street intersection. The tract contains an area of 1.46 acres with approximately 200 feet of street frontage along Towson Avenue and approximately 300 feet of street frontage along Vicksburg Street. The area zoned as RM-3 is approximately 0.3 acres.

## **REQUESTED ZONING**

The requested zoning on this tract is Commercial Heavy (C-5).  
Characteristics of this zone are as follows:

### **Purpose:**

To provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter. The C-5 zoning district is appropriate in the General Commercial, Office, Research, and Light Industrial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

### **Permitted Uses:**

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-5 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

**Conditional Uses:**

Orphanage, dormitory, sorority, fraternity, auto vehicle impoundment or holding yard, auto body shop, medical laboratory, beer garden, restaurants with outdoor dining, pet cemetery, bus station, utility substations, museum, parks, educational facilities, police station, community food service, nursing home and churches are examples of uses permitted as conditional uses.

**Area and Bulk Regulations:**

Minimum Lot Size – 14,000 square feet	Maximum Height - 45 feet (1+1)
	Maximum Lot Coverage - 75%
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres	
	Existing District (By Extension) – 14,000 square feet
Minimum Lot Width – 100 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 20 feet	
Rear Yard Setback - 20 feet	
Side/Rear (adjoining SF Residential District/Development) – 30 feet	
Minimum building separation – to be determined by current City building and fire code.	
Required street access – Minor Arterial or higher	

**EXISTING ZONING**

The existing zoning on this tract is Residential Multifamily Medium Density (RM-3) and Commercial Heavy.

The characteristics of the RM-3 zone are as follows:

**Purpose:**

To provide for medium density attached homes, including multi-unit residential buildings in areas where such development already exists or is planned for the future. The RM-3 zoning district is appropriate in urban areas within the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial Land use categories of the Master Land Use Plan.

**Permitted Uses:**

Single-family, duplex dwellings, multifamily (apartment and condominiums), community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

**Conditional Uses:**

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

### **Area and Bulk Regulations:**

Minimum Lot Size – 6,500 square feet	Maximum Height - 40 feet (1+1)
Maximum Density – 20 Dwelling Units/Acre	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 60 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Side/Rear adjacent to RS district/development – 30 feet	
Minimum building separation – 10 feet	

### **SURROUNDING ZONING AND LAND USE**

The area to the north is zoned C-5 and RM-3 and is developed as a pawn shop and single family residences.

The area to the east is zoned C-5 and is developed as a restaurant and hotel/motel.

The area to the south is zoned C-5 and is developed as an auto and vehicle dealer.

The area to the west is zoned RM-3 and is developed as a single family residence.

### **MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Towson Avenue as a Major Arterial and Vicksburg Street as a local road.

### **MASTER LAND USE PLAN COMPLIANCE**

The Master Land Use Plan classifies the site as General Commercial and Residential Detached. The Residential Detached classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values. The General Commercial classification is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community.

### **NEIGHBORHOOD MEETING**

A neighborhood meeting was held on Tuesday, January 7, 2020, at 5:30 P.M. at Creekmore Park Community Center located at 3301 South M Street. No neighboring property owners attended the meeting.

### **STAFF COMMENTS**

In staff's opinion, the proposed zoning is compatible with the surrounding land uses and zoning map classifications.

### **AND RECOMMENDATIONS**

Staff recommends approval of the application.

## PETITION FOR CHANGE IN ZONING MAP

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description) See attached Subject Property Description.
2. Address of property: 5500 Towson Avenue
3. The above described property is now zoned: C-5 and RM-3
4. Application is hereby made to change the zoning classification of the above described property to C-5 by Extension.  
(Extension or classification)
5. Why is the zoning change requested?  
Subject Property has a strip of the property that is located in the RM-3 zoning  
which does not allow for a retail store. We are asking approval to rezone the  
proposed subject property all to C-5.
6. Submit any proposed development plans that might help explain the reason for the request.

Signed:

Chris Harris

Owner or Agent Name

(please print)

Blew & Associates, PA

6511 Heilman Court

North Little Rock, AR 72118

Owner or Agent Mailing Address

501-455-4984

Owner or Agent Phone Number

\_\_\_\_\_  
Owner

or

  
Agent

SUBJECT PROPERTY DESCRIPTION: (AS PER SURVEY)

A TRACT OF LAND BEING A PART OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 8 NORTH, RANGE 32 WEST, SEBASTIAN COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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**LETTER REGARDING RESTRICTIVE COVENANTS**

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property *(Insert legal description)*

A TRACT OF LAND BEING A PART OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 8 NORTH, RANGE 32 WEST, SEBASTIAN COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land except as follows: \*

None.

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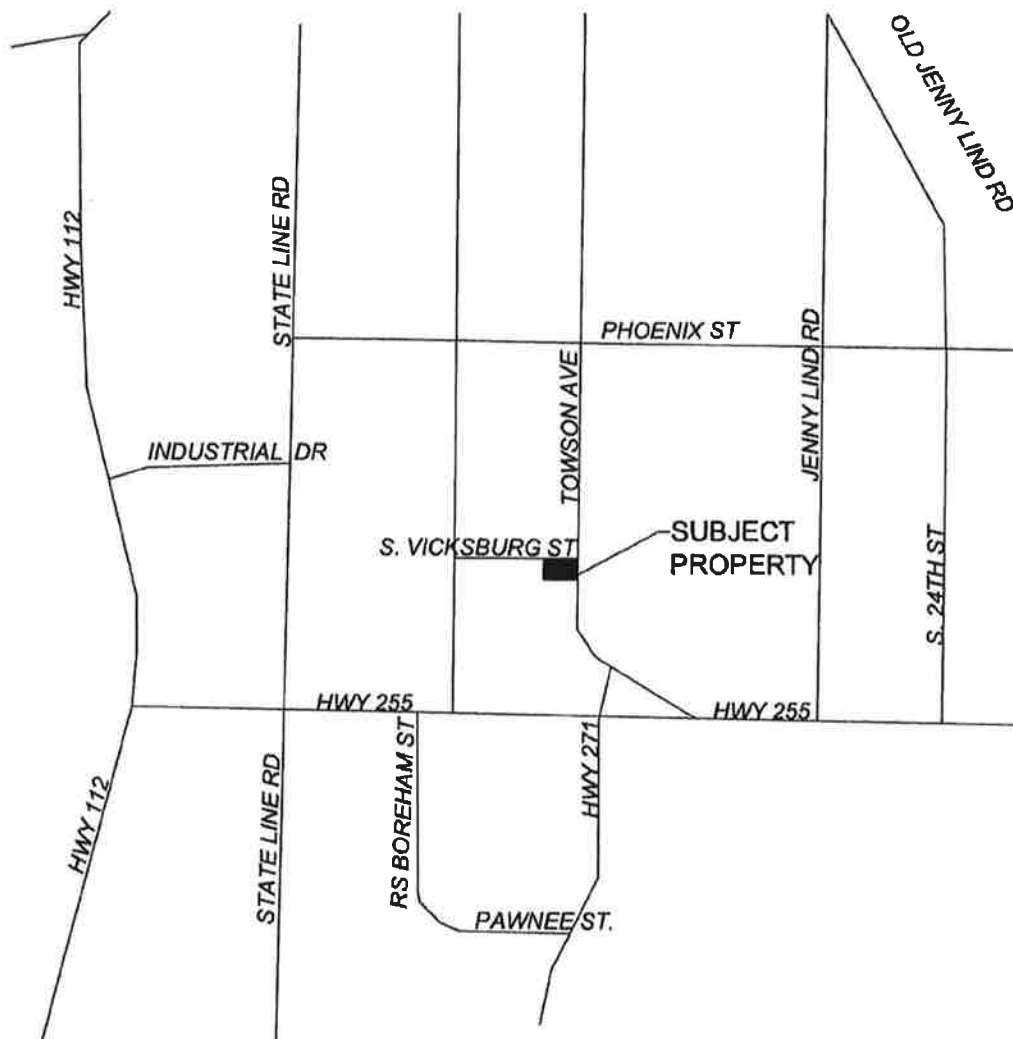
  
Signature

*(\* If no restrictive covenants exist, indicate "none".)*

**LIST OF OWNERS OF ALL PROPERTY TO BE REZONED**

List the names and addresses of all owners of property included within the area requested by this petition to be rezoned.

<u>NAME</u>	<u>ADDRESS</u>
1. <u>Robert E. Plunkett Bypass Trust</u>	<u>10909 Greyfair Lane, Fort Smith, AR 72908</u>
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____



DATE: 12/17/19 | SCALE: NTS | DRAWN BY: SDR | SURVEYED BY: N/A | CHECKED BY: N/A | PROJECT No.: 19-4195.02

## Blew & Associates, P.A.

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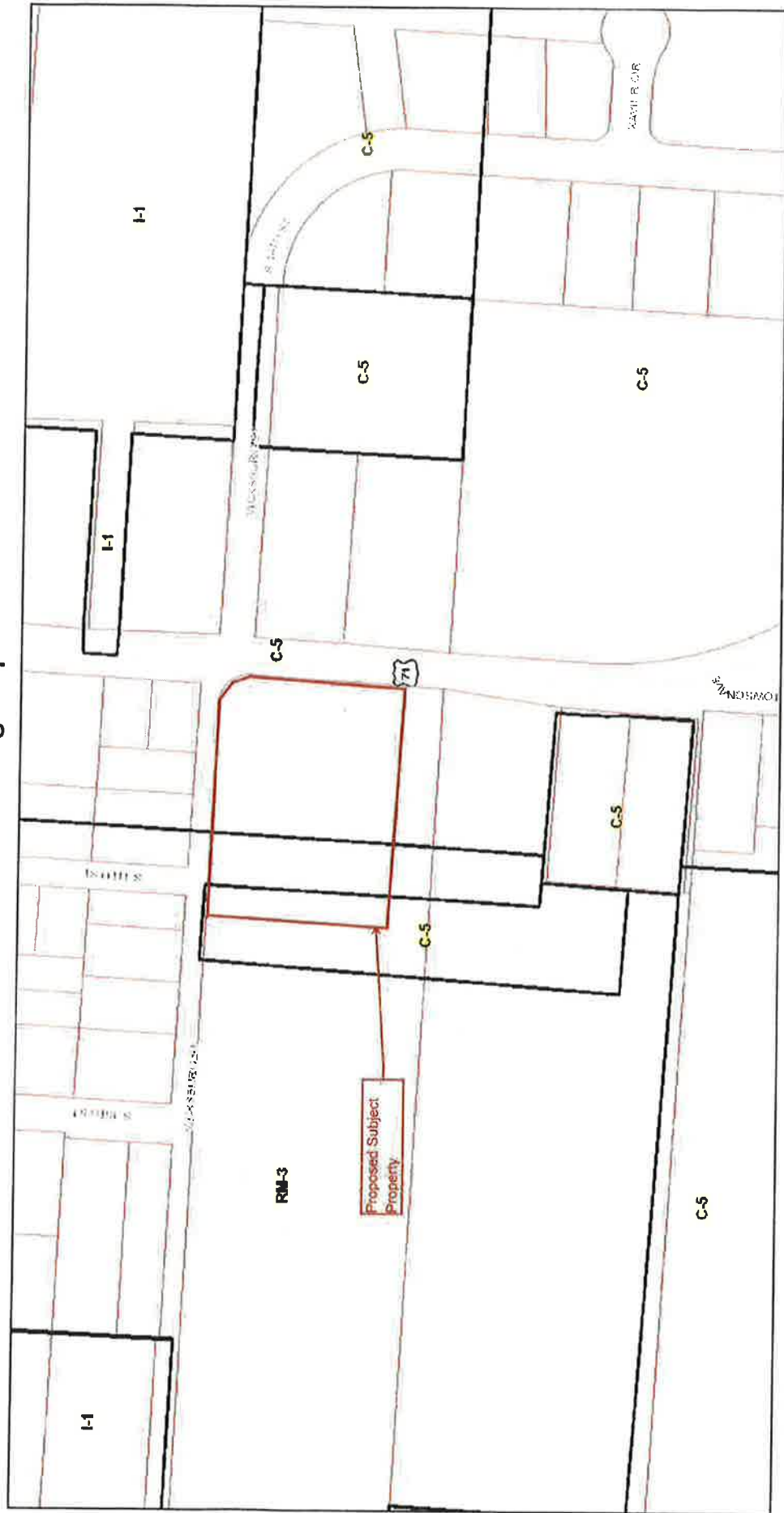
### VICINITY MAP

FOR USE & BENEFIT OF:  
O'REILLY AUTOMOTIVE STORES, INC.

CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS



# O'Reilly - Fort Smith (AR) Zoning Map



December 17, 2019

Fort Smith City Limits

Zoning

Parcels

Water Bodies

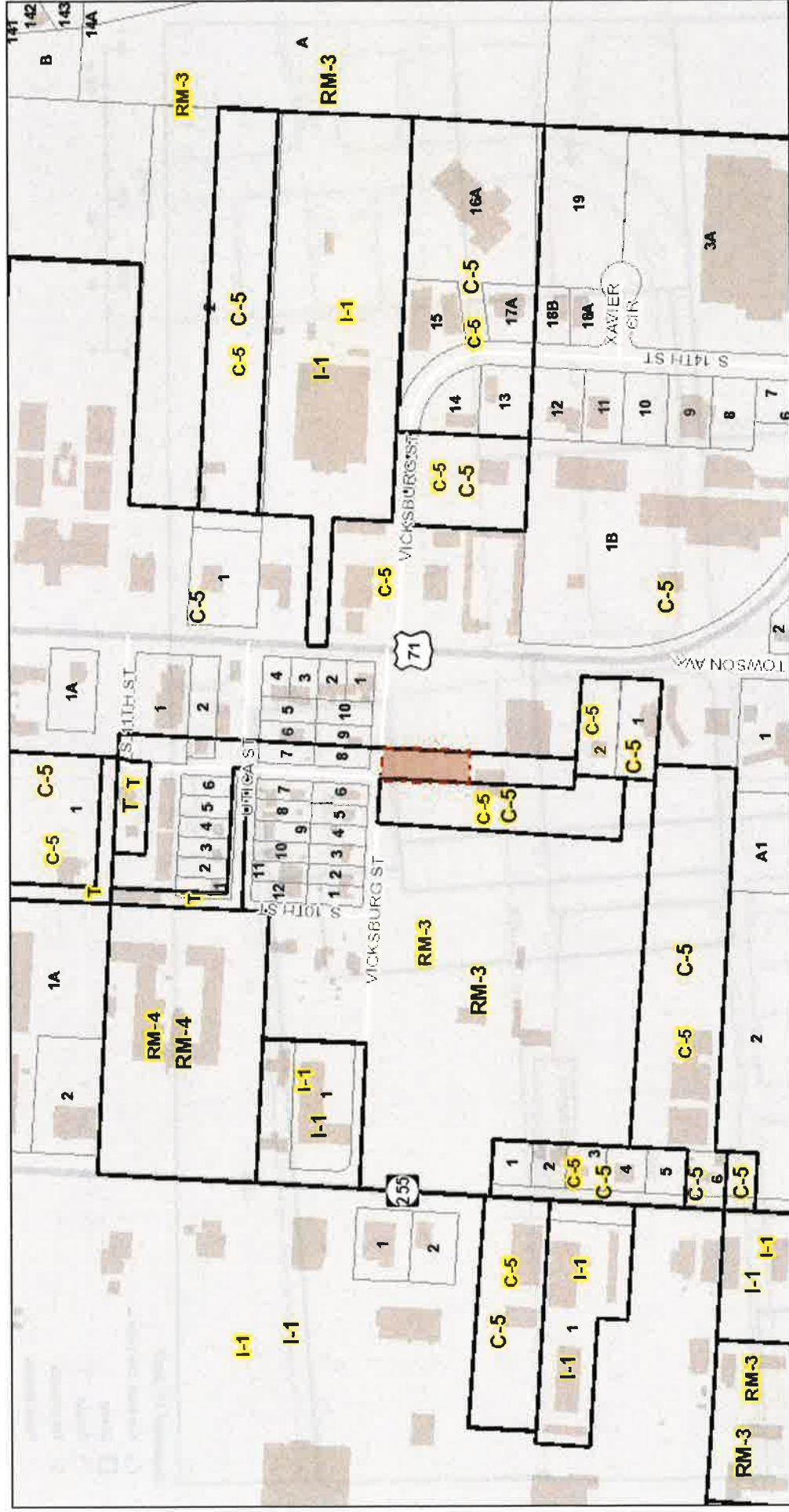
Public Schools

Parks

1:1,649



# Rezoning #3-1-20: From Residential Multifamily Medium Density (RM-3) to Commercial Heavy at 5500 Towson Avenue



January 9, 2020

- Fort Smith City Limits
- Zoning
- Subdivisions
- Water Bodies
- Parks

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** January 8, 2020

**Re:** Development Plan #3-1-20 - A request by Blew & Associates, agent for O'Reilly Automotive Stores/ Robert E. Plunkett Living Trust for Planning Commission consideration of a Development Plan request to develop an auto parts and accessories sales store located at 5500 Towson Avenue

## PROPOSED DEVELOPMENT PLAN

The rezoning, master land use plan amendment, and development plan will allow for an 8,747 s.f. auto parts and accessory sales store with 47 parking spaces, perimeter landscaping and parking lot screening.

## LOT LOCATION AND SIZE

The subject property is located southwest of the Towson Avenue and Vicksburg Street intersection. The tract contains an area of 1.46 acres with approximately 200 feet of street frontage along Towson Avenue and approximately 300 feet of street frontage along Vicksburg Street.

## REQUESTED ZONING

The requested zoning on this tract is Commercial Heavy (C-5).  
Characteristics of this zone are as follows:

### Purpose:

To provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter. The C-5 zoning district is appropriate in the General Commercial, Office, Research, and Light Industrial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

### Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-5 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

**Conditional Uses:**

Orphanage, dormitory, sorority, fraternity, auto vehicle impoundment or holding yard, auto body shop, medical laboratory, beer garden, restaurants with outdoor dining, pet cemetery, bus station, utility substations, museum, parks, educational facilities, police station, community food service, nursing home and churches are examples of uses permitted as conditional uses.

**Area and Bulk Regulations:**

Minimum Lot Size – 14,000 square feet	Maximum Height - 45 feet (1+1)
	Maximum Lot Coverage - 75%
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres	
	Existing District (By Extension) – 14,000 square feet
Minimum Lot Width – 100 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 20 feet	
Rear Yard Setback - 20 feet	
Side/Rear (adjoining SF Residential District/Development) – 30 feet	
Minimum building separation – to be determined by current City building and fire code.	
Required street access – Minor Arterial or higher	

**SURROUNDING ZONING AND LAND USE**

The area to the north is zoned C-5 and RM-3 and is developed as a pawn shop and single family residences.

The area to the east is zoned C-5 and is developed as a restaurant and hotel/motel.

The area to the south is zoned C-5 and is developed as an auto and vehicle dealer.

The area to the west is zoned RM-3 and is developed as a single family residence.

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Towson Avenue as a Major Arterial and Vicksburg Street as a local road.

**SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – All ingress and egress will occur on two (2) proposed driveways located on Towson Avenue and Vicksburg Street.

**Easement/utilities** – The developer must agree to meet all franchise and city utility easement requirements. Additionally, the development must comply with the City's Subdivision Design and Improvement Standards and the Standard Specification for Public Works Construction.

**Drainage** – The drainage plans must be submitted and approved by the City Engineering Department during the building permit review process.

**Landscaping** – A landscaping plan has been provided with perimeter landscaping and interior landscaping.

**Screening** – The landscaping plan consists of parking lot screening. The plan also utilizes existing vegetation on the west side of the property to be used as a screening to buffer the adjacent residential zoning district. The plans also show HVAC and dumpster screening.

**Parking** – The plan indicates the development will have 47 parking spaces, which exceeds the minimum required parking.

**Signage** – The plans do not indicate any freestanding signage. The elevations indicate a wall sign to be utilized in compliance with the C-5 zoning district.

**Lighting** – The light fixture details are not shown at this time. A photometric plan has been submitted showing compliance with the UDO.

**Architectural features** – The plans indicate that EIFS and tinted/textured Concrete Masonry Units will be utilized for the facade materials.

**Height and Area** – The development plan indicates that the building will be 8,747 s.f. and one story in height.

### **NEIGHBORHOOD MEETING**

A neighborhood meeting was held on Tuesday, January 7, 2020, at 5:30 P.M. at Creekmore Park Community Center located at 3301 South M Street. No neighboring property owners attended the meeting.

### **STAFF RECOMMENDATIONS**

Staff recommends approval of the development plan with the following comments:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. The existing tree buffer to the rear of the site shall remain.

## DEVELOPMENT PLAN REVIEW APPLICATION

**Before the Planning Commission of the City of Fort Smith, Arkansas**

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description) A TRACT OF LAND BEING A PART OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 8 NORTH, RANGE 32 WEST, SEBASTIAN COUNTY, ARKANSAS
2. Address of property: 5500 Towson Avenue
3. The above described property is now zoned: RM-3 & C-5
4. Does the development plan include a companion rezoning request?  
Yes X No
5. If yes, please specify the companion application submitted:
- ☐ Conventional Rezoning Submitted
  - ☐ Planned Rezoning
  - ☐ Conditional Use
  - ☐ Master Land Use Plan Amendment Submitted
  - ☐ Variance
6. If applicable, a companion rezoning application is proposed to change the zoning classification of the above described property to:  
C-5 by Extension  
(Zoning Classification) (Extension or classification)
7. Existing zoning, structures and driveways on surrounding properties within 300 feet of subject property:  
C-5 and RM-3 zoning exists along with several residences, Towson Gold, Silver & Coin, Citgo, Mr. Jiff, La Huerta, Westark Inn, and JD's River Valley Restoration including applicable drive entrances for the residences and businesses.
8. Total acreage of property 1.461 acres

Signed:

Chris Harris Sr.

Owner or Agent Name  
(please print)

Blew & Associates, PA  
6511 Hellman Court  
North Little Rock, AR 72118

Owner or Agent Mailing Address

501-455-4984

Owner or Agent Phone Number

\_\_\_\_\_  
Owner

or

Chris Harris Sr.

Agent

SUBJECT PROPERTY DESCRIPTION: (AS PER SURVEY)

A TRACT OF LAND BEING A PART OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 8 NORTH, RANGE 32 WEST, SEBASTIAN COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHEAST CORNER OF SAID TEN ACRE TRACT, THENCE ALONG THE EAST LINE OF SAID TEN ACRE TRACT, S03°11'04" W A DISTANCE OF 49.42'; THENCE LEAVING SAID EAST LINE N86°48'56"W A DISTANCE OF 40.00' TO SET 1/2" REBAR LOCATED ON THE WESTERLY RIGHT-OF-WAY OF TOWSON AVENUE, ALSO KNOWN AS HIGHWAY 71B, THENCE ALONG SAID RIGHT-OF-WAY; THENCE S03°07'35"W A DISTANCE OF 171.03' TO A SET 1/2" REBAR; THENCE LEAVING SAID RIGHT-OF-WAY N87°01'27"W A DISTANCE OF 319.47' TO A SET 1/2" REBAR; THENCE N02°58'33"E A DISTANCE OF 200.00' TO A SET 1/2" REBAR LOCATED ON THE SOUTHERLY RIGHT-OF-WAY OF SOUTH VICKSBURG STREET; THENCE ALONG SAID RIGHT-OF-WAY S87°01'27"E A DISTANCE OF 289.97' TO A FOUND MAG NAIL; THENCE LEAVING SAID RIGHT-OF-WAY S03°25'42"W A DISTANCE OF 1.91' TO A FOUND MAG NAIL; THENCE S65°07'37"E A DISTANCE OF 21.55' TO A FOUND MAG NAIL; THENCE S24°40'03"E A DISTANCE OF 21.48' TO THE POINT OF BEGINNING. CONTAINING 63,633 SQUARE FEET, 1.461 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.



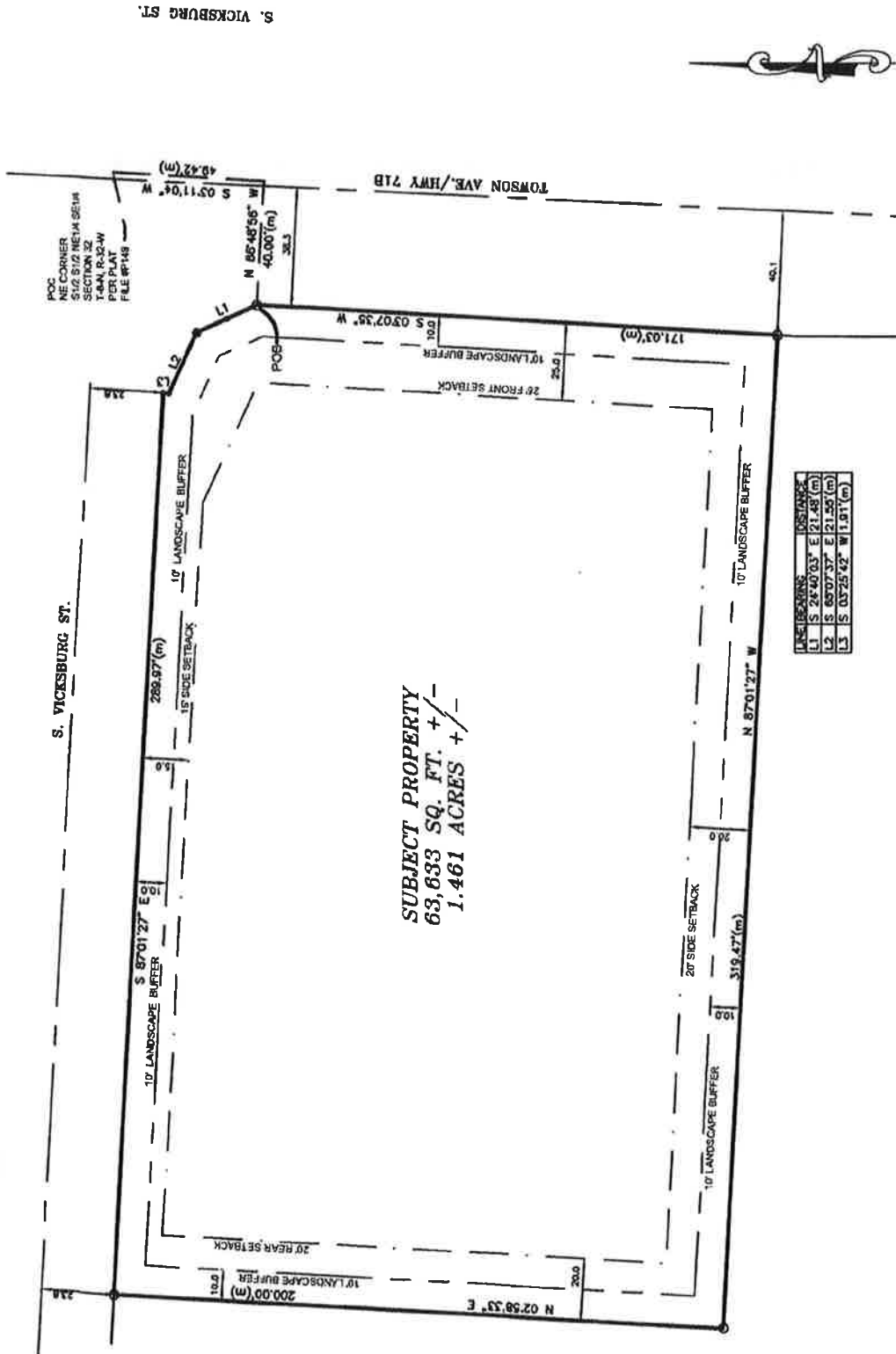
**LIST OF OWNERS OF ALL PROPERTY TO BE ZONED**

List the names and addresses of all owners of property included within the area requested by this petition to be rezoned.

<u>NAME</u>	<u>ADDRESS</u>
1. Robert E. Plunkett Bypass Trust	10909 Greyfair Lane, Fort Smith, AR 72908
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

S. 11th St.

S. VICKSBURG ST.



SUBJECT PROPERTY  
63,633 SQ. FT. +/-  
1.461 ACRES +/-

LINE	BEARING	DISTANCE
L1	S 24°40'03" E	21.43' (m)
L2	S 60°07'37" E	21.55' (m)
L3	S 03°25'42" W	1.01' (m)



Scale 1" = 50'

(As Surveyed) Property Description

A TRACT OF LAND BEING A PART OF THE SOUTH HALF OF THE NORTH EAST QUARTER OF THE SOUTH EAST QUARTER OF SECTION 32, TOWNSHIP 8 NORTH, RANGE 32 WEST, SEBASTIAN COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING FROM THE NORTHEAST CORNER OF SAID TEN ACRE TRACT, THENCE ALONG THE EAST LINE OF SAID TEN ACRE TRACT, S03°11'04" W A DISTANCE OF 48.42'; THENCE LEAVING SAID EAST LINE N86°48'58" W A DISTANCE OF 40.00' TO SET 1/2" REBAR LOCATED ON THE WESTERLY RIGHT-OF-WAY OF TOWNSHIP AVENUE, ALSO KNOWN AS HIGHWAY 718, THENCE ALONG SAID RIGHT-OF-WAY, THENCE S03°07'35" W A DISTANCE OF 171.03' TO A SET 1/2" REBAR; THENCE LEAVING SAID RIGHT-OF-WAY N87°01'27" W A DISTANCE OF 319.47' TO A SET 1/2" REBAR; THENCE N02°58'35" E A DISTANCE OF 200.00' TO A SET 1/2" REBAR LOCATED ON THE SOUTHERLY RIGHT-OF-WAY OF SOUTH VICKSBURG STREET; THENCE ALONG SAID RIGHT-OF-WAY S87°01'27" E A DISTANCE OF 269.97' TO A FOUND MAG NAIL; THENCE LEAVING SAID RIGHT-OF-WAY S03°25'42" W A DISTANCE OF 1.91' TO A FOUND MAG NAIL; THENCE S65°07'37" E A DISTANCE OF 21.55' TO A FOUND MAG NAIL; THENCE S24°40'03" E A DISTANCE OF 21.43' TO THE POINT OF BEGINNING, CONTAINING 63,633 SQUARE FEET, 1.461 ACRES MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

DATE: 12/19/19 SCALE: 1"=50' DRAWN BY: SDR SURVEYED BY: N/A CHECKED BY: N/A PROJECT NO.: 19-4195.02

LAND USE PLAN AMENDMENT EXHIBIT

FOR USE & BENEFIT OF:  
O'REILLY AUTOMOTIVE STORES, INC.

CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

Blew & Associates, P.A.  
Land Surveying • Planning • GPS • Subdivision • Design • Engineering  
6511 Heilman Court  
North Little Rock, AR 72118  
TELE. (501) 455-4984 FAX (501) 455-8158  
www.blewinc.com

<b>FORMS</b> <b>CLASSIFICATION</b> <b>PROPERTY AREA</b> <b>PAVEMENT AREA</b>	C-9 (HEAVY COMMERCIAL)	1 SP. PER 300 SQ. FT. QFA
	53 533	9' x 20'
	18,228 SQ. FT.	30
		47
<b>TAKING SUMMARY</b> <b>PARKING FORMULA:</b> SPACE SIZE: SPACES REQUIRED: SPACES PROVIDED: C. SPACES PROVIDED:		2

[illegible]

NOTE: REFER TO SURVEY FOR LIMITED CONDITIONS (GROUP 1)  
LEGEND

[illegible][illegible]

**NEW O'REILLY AUTO PARTS STORE**  
**TOMSON AVE.**  
**FORT SMITH, AR #3**  
**SITE DEVELOPMENT PLAN**

**©Reilly AUTO PARTS**  
CORPORATE OFFICES  
233 SOUTH PATTERSON  
SPRINGFIELD, MISSOURI 65802  
(417) 882-8274 TELEPHONE

## 1 SITE DEVELOPMENT PLAN

**811**

Call before you dig.









## An affordable solution for equipment screening is finally here

Envisor equipment screens now offer architects the flexibility to create affordable, elegant, **customized screening solutions** that integrate with their building design, all with **no rooftop penetration**.

Our patented equipment screens also provide a viable solution for **municipal screening code requirements** on everything from HVAC units to



The Ohio State University Foundation - Columbus, Ohio

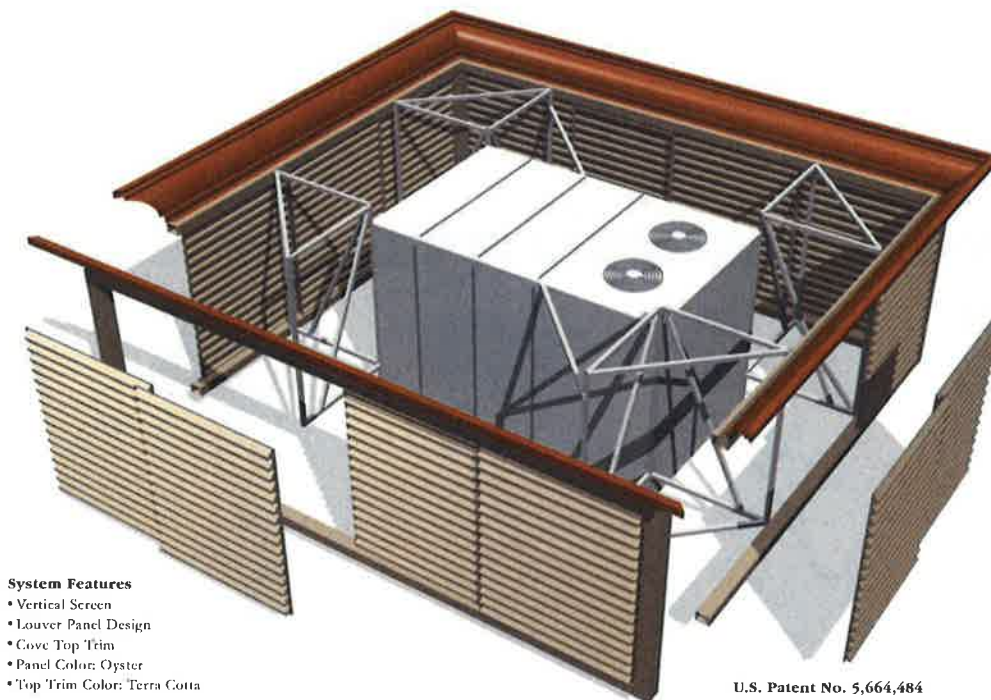
chillers, air handlers, power exhausts, roof stacks, communication equipment, dumpsters - you name it!

## Customizing a screen to fit your needs is easy

Simply choose between canted or vertical, decide on a panel design, select a top trim (optional), and pick a color. It's that simple! **We can customize any feature** to your particular design requirements, including custom panel designs, custom colors, and custom top trim designs. If you don't see what you need, tell us what you want. We'll build it for you.



52" Louver Panels



### System Features

- Vertical Screen
- Louver Panel Design
- Cove Top Trim
- Panel Color: Oyster
- Top Trim Color: Terra Cotta

U.S. Patent No. 5,664,484

## Step 1: Choose a Canted or Vertical System



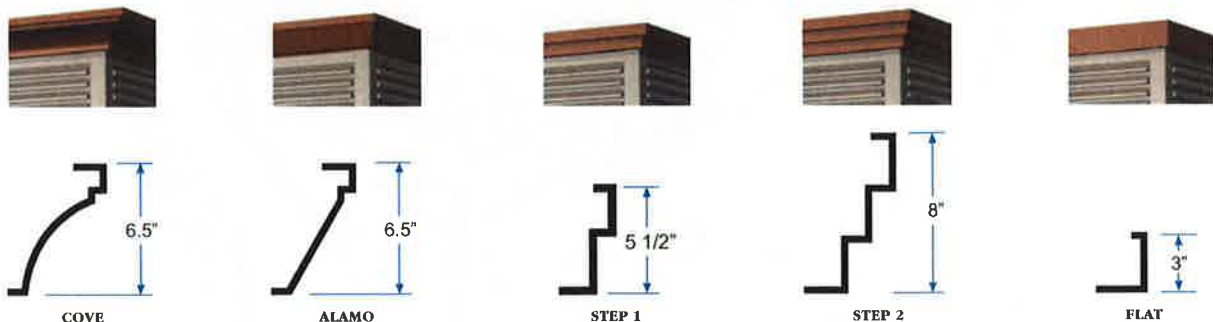
Envisor screens are the perfect alternative to parapet walls and they satisfy even the strictest screening code requirements. Both styles feature our patented attachment method, which secure our screens directly to the equipment with no rooftop penetration. Screen heights are available to screen virtually anything you desire.

## Step 2: Decide on a Panel Design



Panels are available in **5 standard styles** allowing you to control the project without sacrificing the essential elements of the building design. The panels are constructed of thermoformed high impact ABS with a **co-extruded UV protective layer** on both sides. The panels are held firmly in place using a rust-free, double tracked aluminum rail system. This enables the panels to slide side-to-side for easy access to the unit during servicing and maintenance. Don't see a panel that fits your project? Tell us and we'll make one that you design.

## Step 3: Select a Top Trim (optional)



Decorative top trim options offer the flexibility to further customize the elegant appearance of the screens by **picking up on your building design elements** and incorporating those details into the screen itself. Although optional, they offer one more way to make screens part of the design, not part of the problem. We can manufacture any size and shape top trim you create.

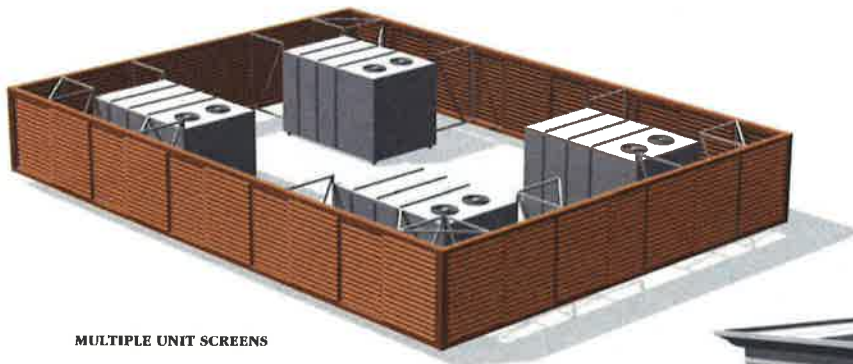
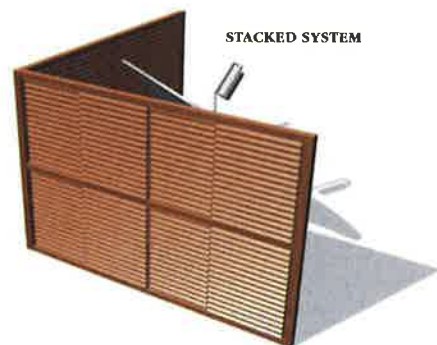


## Step 4: Pick a Designer Color



Our designer colors complement most architectural applications, but don't let standard colors limit your creativity. We have the ability to **match to any cross-referenced color specification**. Send us samples to match. We've even matched a color to a rock! *Colors shown are only approximate. Please call for actual samples.*

## Step 5: Custom Designed Solutions



Envisor equipment screens can be manufactured in a limitless combination of shapes and configurations to help reduce cost, add to the aesthetics of a building, or both. Let us design one for you! Just tell us the equipment manufacturer, the model numbers, and the special requirements you might have. Call for a complete design kit today or visit our website at [www.cityscapesinc.com](http://www.cityscapesinc.com).

**Product Features**

**No Rooftop Penetration**

**Pre-Engineered Screening System**

**Screening Code Solution**

**Attractive Alternative to Parapet Walls**

**Multiple Panel Designs**

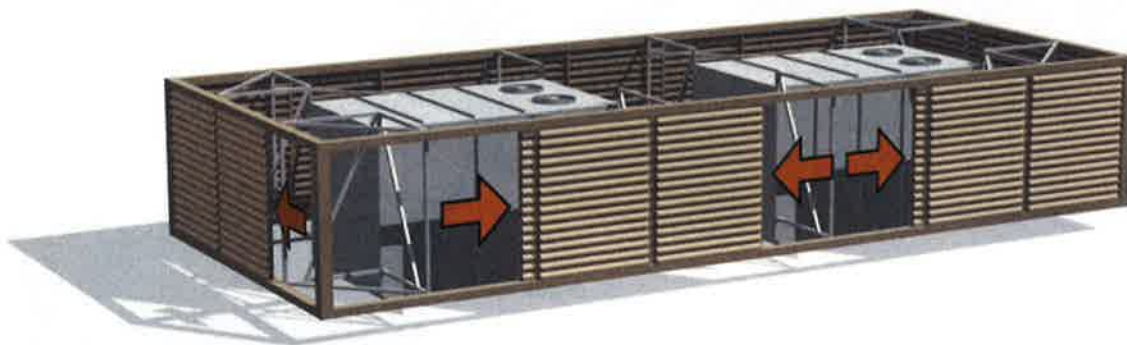
**Designer Top Trim Accents**

**Vertical or Canted Designs**

**Wide Range of Designer Colors**

**Panels Slide for Easy Service Access**

**Custom Design Capabilities**



Our panels are designed to slide side-to-side in either direction for easy access to the equipment for servicing and routine maintenance.



## Basic Picket Layout Privacy Options

**Dogear Pickets**



**Square Top Pickets**



**Traditional**  
(semi-private)

*Color shown: Coastal Cedar*



**Shadow Box**

(private straight on view /semi-private angled view)

*Color shown: Weathered Pine*



**Board on Board**  
(private)

*Color shown: Pacific Redwood*



## Fiberon® Privacy Fencing

- 6-ft privacy fencing system with Dogear or Square Top pickets and customizable privacy design
- Never needs painting or staining
- Long lasting resistance to decay and infestation
- Adjustable Steel Gate Frame System available



## Steel Gate Frame System

- Easy installation
- Black powder coating resists rust
- Single gate width adjusts from 44-in to 60-in inside posts
- Pair two gate frames for driveway gates
- Hinges rated to 3100 lbs
- Includes latch and hinges

## Gate Swing Direction

- The Steel Gate system is designed to swing away from the picketed side of the fence and should be unobstructed.



## Fiberon® Privacy Fencing Components

Actual production colors may vary from colors shown.



### Dogear pickets

- 7/16-in x 4-5/8-in x 69-in
- Arrange picket layout to meet privacy needs in three basic styles:  
Traditional (semi-private)  
Shadow Box (private / semi-private)  
Board on Board (private)  
(Gate frame only supports the weight of the Traditional Picket layout)
- Pacific Redwood: FNS PKT D H 69 WC
- Coastal Cedar: FNS PKT D J 69 WC
- Weathered Pine: FNS PKT D G 69 WC



### Square Top pickets

- 7/16-in x 6-1/2-in x 69-in
- Arrange layout to meet privacy needs  
(Gate frame only supports the weight of the Traditional Picket layout)
- Pacific Redwood: FNS PKT 6.5 SQ H 6
- Coastal Cedar: FNS PKT 6.5 SQ J 6
- Weathered Pine: FNS PKT 6.5 SQ G 6



### Steel Gate Hardware

- Black only
- AG 363 S Steel

### Additional Supplies Needed

- 3 Cross Rails
- 8-12 Dogear or 6-9 Square Top pickets (based on gate width)
- Adjustable End Wrench
- Power Drill
- Philips Screw Bits
- Wire Cutters



### Cross Rails

- 1-1/2 in x 3-3/4 in x 67-1/2 in
- Solid Cedar insert
- Pacific Redwood: FNS RL2 H 67.5
- Coastal Cedar: FNS RL2 J 67.5
- Weathered Pine: FNS RL2 G 67.5



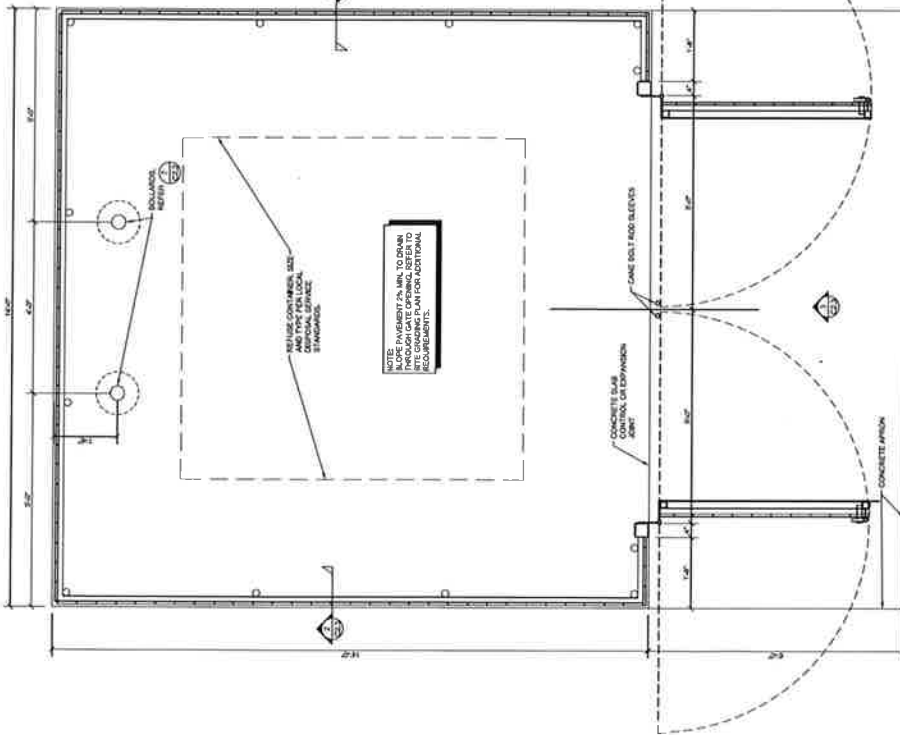
### Privacy / Gate Post

- 4-in x 4-in x 96-in
- Solid Cedar insert
- Pacific Redwood: FNS POST SB H
- Coastal Cedar: FNS POST SB J
- Weathered Pine: FNS POST SB G

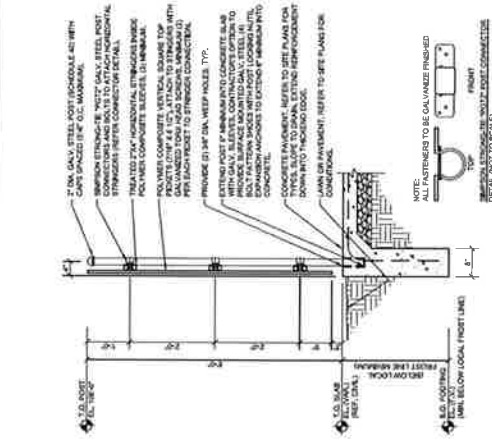


### Brackets with Screws

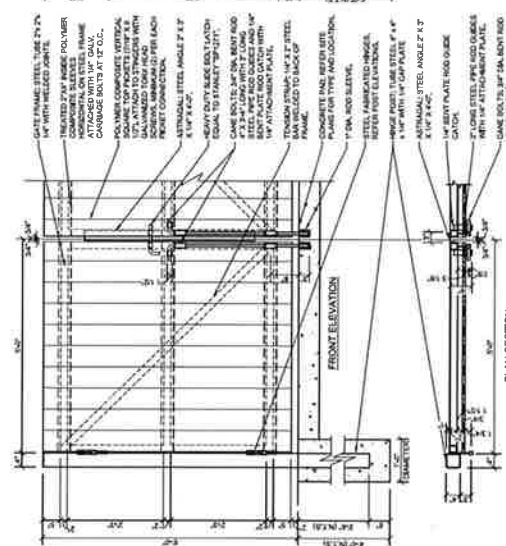
- Powder coating resists rust
- Pacific Redwood: FNS RL BKT H
- Coastal Cedar: FNS RL BKT J
- Weathered Pine: FNS RL BKT G



1 POLYMER COMPOSITE MATERIAL SCREEN FENCE ENCLOSURE PLAN



2 SCREEN FENCE SECTION



3 SCREEN FENCE GATE DETAILS

**GENERAL NOTES**

1. REFER TO PROJECT MANUAL FOR ADDITIONAL REQUIREMENTS.
2. DIMENSIONS ARE TO ROUGH FACE OF CONCRETE, FRAMING, OR CENTER LINE OF STRUCTURE UNLESS OTHERWISE INDICATED.
3. REFER TO CANE DRAWINGS FOR ADDITIONAL REQUIREMENTS.
4. REFER TO ARCHITECTURAL EXTERIOR FINISH SCHEDULE FOR ADDITIONAL REQUIREMENTS. UNLESS OTHERWISE INDICATED, PROVIDE FINISH AS FOLLOWS:
  - A. ALL NONGLAZED METAL PARTS TO BE PRIME AND PAINTED (1) COAT SHERWIN WILLIAMS SW750 FLAT CLUE, (2) POLYMER COMPOSITE MATERIAL COLOR TO BE EQUAL TO POLYMER COMPOSITE MATERIAL COLOR AND FINISH TO BE SELECTED FROM MANUFACTURER'S STANDARD SAMPLES.



1736 EAST SHARPLESS, SUITE 417  
SPRINGFIELD, MISSOURI 65804  
(417) 862-9538  
FAX: (417) 862-2826  
E-MAIL: OFFICE@CITYTECHNOLOGY.COM

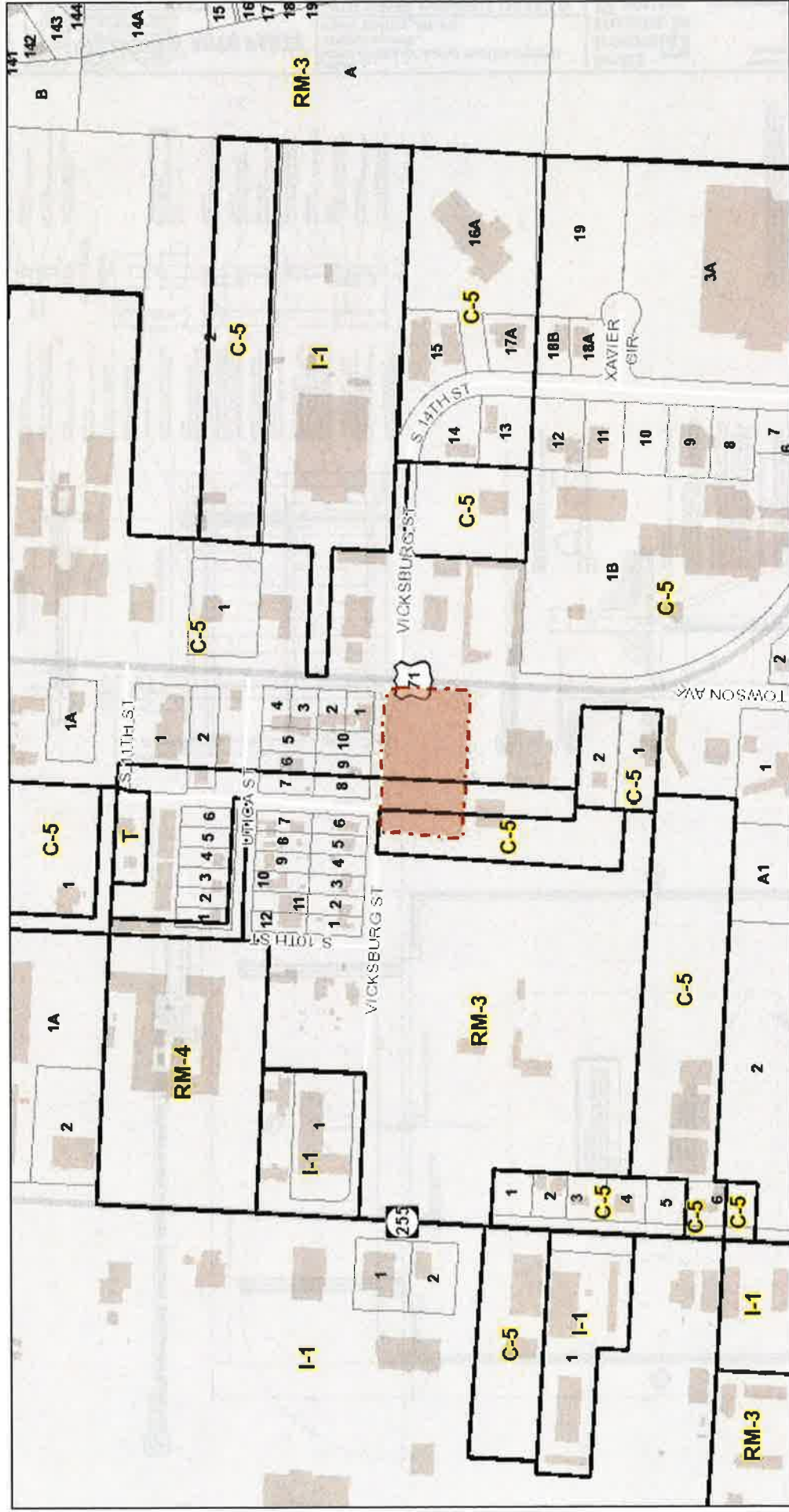
**STERLY ASSOCIATES, INC.**  
ARCHITECTS & ENGINEERS

**SITE DEVELOPMENT DETAILS**  
PROJECT: NEW O'REILLY AUTO PARTS STORE  
FORT SMITH, AR #3  
TOWSON AVE.

**O'Reilly AUTO PARTS**  
COMPANION OFFICES  
255 SOUTH MAIN STREET  
SPRINGFIELD, MISSOURI 65802  
(417) 862-2874 TELEPHONE

DATE:	08/01/00
REVISION:	000000
DATE:	

# Development Plan #3-1-20: Auto Parts and Accessories Sales 5500 Towon Avenue



December 27, 2019

- Fort Smith City Limits
- Water Bodies
- Zoning
- Public Schools
- Subdivisions
- Parks

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** January 8, 2020

**Re:** Rezoning #4-1-20 - A request by Brett Abbott, agent for Rebecca Evans, for Planning Commission consideration of a zone request from Not Zoned to Planned Zoning District (PZD) by classification at 7624 Taylor Avenue, 7511 and 7501 Collier Street, 12300, 12302 and 12306 Ward Avenue

## PROPOSED ZONING

The approval of this requested PZD will allow for the uses listed in the land use matrix. The property is being utilized as storage and warehousing and the intent is for this use to continue.

## LOT LOCATION AND SIZE

The subject property is located between Ward Avenue and Darby Avenue and contains approximately 2.69 acres. The property has approximately 171' of street frontage on Taylor Avenue, 151' of frontage on Ward Avenue and 590' of frontage on Collier Street.

## REQUESTED ZONING

The applicant has requested a Planned Zoning District (PZD). The purpose of a Planned Zoning District is to assure control of certain development while providing the applicant a means of gaining commitment without undue financial risk. Specifically the purposes of a PZD are to encourage:

- Comprehensive and innovative planning and design of diversified yet harmonious development consistent with the comprehensive plan;
- Better utilization of sites characterized by special features of geographic location, topography, size, or shape;
- Flexible administration of general performance standards and development guidelines;
- Primary emphases shall be placed upon achieving compatibility between the proposed developments and surrounding areas to preserve and enhance the neighborhood through the use of enhanced site design, architecture, landscaping, and signage.
- Developments that utilize design standards greater than the minimum required by the UDO.

### **EXISTING ZONING**

The property currently has no zoning.

### **SURROUNDING ZONING AND LAND USE**

The area to the north is not zoned and is primarily undeveloped with the exception of one vacant building.

The area to the south is zoned Transitional (T) and Planning Zoning District (PZD) and is developed as offices and undeveloped.

The area to the east is zoned a Planned Zoning District (PZD) and is undeveloped.

The area to the west is zoned Industrial Moderate Special (I-2-SPL) and is developed as a chemical company. Additionally property to the west is not zoned and is developed as WWII warehousing.

### **MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Taylor Avenue as a Major Collector and Ward Avenue as a local street. Collier Street is a private street.

### **MASTER LAND USE PLAN COMPLIANCE**

The Chaffee Crossing Future Land Use Plan classifies this site as Mixed Use: Historic Area. This classification is designated to facilitate the creation of a pedestrian-friendly environment to encourage the redevelopment of the historic core into a community/or tourist destination.

### **PROJECT BOOKLET**

A copy of the project booklet is enclosed for your review. The following criteria shall be considered by the Planning Commission when reviewing the project booklet:

- A. Is the site capable of accommodating the building(s), parking areas and drives with the appropriate open space provided? **YES**
- B. Does the plan provide for safe and easy ingress, egress and internal traffic circulation? **YES**
- C. Is the plan consistent with good land use planning and site engineering design principles, particularly with respect to safety? **YES**
- D. Are the architectural designs consistent with the City of Fort Smith policies and regulations and compatible with surrounding land use features? **YES**
- E. Does the Plan represent an overall development pattern that is consistent with the Comprehensive Plan, Master Street Plan, Master Land Use Plan, and other adopted planning policies? **The proposed land uses shown in the Land Use Matrix are compatible with the Mixed-Use Historic Area. The applicant also plans to continue using the building as storage and warehousing.**



- F. The required right-of-way dedication has been identified by the City Engineering Department? **Not Applicable.**
- G. All easements and utilities shall meet the requirements of the approving departments and agencies? **YES**
- H. Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size. **There will be minimal traffic impacts due to the development, no traffic study was required.**
- I. Articulate how the plan exceeds the UDO requirements. (e.g. increased landscaping increased high quality materials, etc.) **The PZD will exceed the UDO requirements as follows: 1) Monument and façade signage only; 2) All future development will comply with the Chaffee Crossing Master Development Guidelines, including architecture and landscaping requirements.**

#### **SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – There are three existing driveways on each of the frontages.

**Landscaping & Screening** – No construction is proposed at this time. All future development will comply with the Chaffee Crossing and UDO Landscaping Guidelines.

**Parking** – Parking will be calculated based on the proposed uses.

**Signage** – The PZD booklet states that all signage will comply with the UDO and Chaffee Crossing signage regulations.

#### **FACTORS TO BE CONSIDERED**

Approval, approval as amended, or denial of the application and project booklet shall be based on the following factors as outlined in Section 27-341-3(E) of the UDO:

- A. Compatibility with the Comprehensive Plan, Master Street Plan, and applicable area plans (e.g., corridor, neighborhood)
- B. Compatibility of the proposed development with the character of the neighborhood.
- C. The zoning and uses of adjacent and nearby properties, and the compatibility of the proposed future uses with those existing uses.
- D. The extent to which the proposed land use would increase or change traffic volume or parking demand in documented evidence or engineering data, road conditions, road safety, or create parking problems in combination with any improvements that would mitigate these adverse impacts.

- E. The current availability of public utilities and services and the future capacity needed to adequately serve the proposed land use in combination with any improvements that would mitigate these adverse impacts.
- F. That the application complies with all relevant ordinance requirements (for example 27-200, 27-500, 27-600, and 27-700).

### **NEIGHBORHOOD MEETING**

A neighborhood meeting was held October 21, 2019, 6:00 p.m. at the Fort Smith Library, 3201 Rogers Avenue. No neighboring property owners attended the meeting.

### **STAFF COMMENTS**

The applicant purchased the property in October 2016 from the FCRA, which had utilized the buildings as rental storage and warehousing. Since acquiring the property in 2016, the applicant has continued to rent or lease storage space to individuals. The PZD's land use matrix does not include warehousing, but the applicant wishes to continue renting storage space to tenants and has included mini-storage as one of the proposed land uses.

The remaining proposed land uses in the PZD are compatible with the Chaffee Crossing Mixed-Use Historic Area land classification.

### **STAFF RECOMMENDATIONS**

The PZD appears to comply with UDO Section 27-341 regarding the requirements for Planned Zoning Districts. Staff recommends approval of the application.

PETITION FOR CHANGE IN ZONING MAP

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

+ SEE SURVEY.

12300, 12302, 12306 WARD AVE.  
7501 & 7511 COLMAN ST.

2. Address of property: 7624 TAYLOR AVE.
3. The above described property is now zoned: UNZONED
4. Application is hereby made to change the zoning classification of the above described property to a Planned Zoning District.
5. Explain why the Planned Zoning District is requested?

CHANGE FROM UNZONED TO PZD.

BRETT ADAMOTT - AGENT

BECKY EVANS - OWNER

Owner or Agent Name  
(please print)

P.O. BOX 1112

F.S. AR 72902

Owner or Agent Mailing Address

479. 459. 2838

Signed:

Becky Evans  
Owner

[Signature]  
or  
Agent

Owner or Agent Phone Number \_\_\_\_\_

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that the undersigned, as owner(s) or agent for the owner(s) of the following described property in the Fort Smith District of Sebastian County, Arkansas, to wit:

Address of property 12300, 12302, 12306 WINDING  
7501 & 7511 COWLEY ST.  
7624 TAYLOR AVE. has filed with the Director of Planning a  
(Street Address)  
written application to City of Fort Smith, Arkansas, to request a zone change from  
UNZONED to a Planned Zoning District by CLASSIFICATION  
(Classification or Extension)

The undersigned will present said application to the City Planning Commission at its first regular meeting following the expiration of fifteen (15) days from the date of this publication, at which meeting the Planning Commission will conduct a public hearing on said application. All interested persons are invited to attend and are entitled to be heard.

This notice published this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(City will insert Date)

### AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize BRETT ARBIT to act as our agent in the matter.  
(Print Name of Agent)

(Type or clearly print)

#### NAMES OF ALL OWNERS.

#### SIGNATURE OF ALL OWNERS.

- |                         |                      |
|-------------------------|----------------------|
| 1. <u>REBECCA EVANS</u> | <u>Rebecca Evans</u> |
| 2. _____                | _____                |
| 3. _____                | _____                |
| 4. _____                | _____                |
| 5. _____                | _____                |
| 6. _____                | _____                |
| 7. _____                | _____                |
| 8. _____                | _____                |
| 9. _____                | _____                |
| 10. _____               | _____                |

*This form is necessary only when the person representing this request does not own all property.*

**LETTER REGARDING RESTRICTIVE COVENANTS**

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property *(Insert legal description)*

+ SEE ATTACHED

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land except as follows: \*

- CHAFFER CROSSING MASTER DEVELOPMENT GUIDELINES

Signature

*(\* If no restrictive covenants exist, indicate "none".)*

**LIST OF OWNERS OF ALL PROPERTY TO BE REZONED**

List the names and addresses of all owners of property included within the area requested by this petition to be rezoned.

	<u>NAME</u>	<u>ADDRESS</u>
1.	<i>Robert Evan - McFind Co.</i>	<i>2512 Dallas Circle 1299</i>
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____



479 459 2838  
bluerockdesignbuild@gmail.com

October 25, 2019

**RE: Property rezoning – 7624 Taylor Ave.**

To whom it may concern,

This letter is in reference to a proposed property rezoning, located at 7624 Taylor Ave. and is informational only. The property contains (4) existing structures and there is no work being done on any of the structures at this time. A neighborhood meeting with the owner, architect and city planners will be held on Monday, November 18th at 6:00 pm at the F.S. Public Library, located at 3201 Rogers Ave. to answer any questions you might have regarding this project.

The project proposes to rezone the property (parcel # 18883-0000-04074-00, 0.98 acres and parcel # 18883-0000-04704-01, 1.70 acres) from unzoned into a Planned Zoning District (PZD).

We look forward to hearing your input at this meeting, and if you have questions, please feel free to contact me at:

Brett Abbott

(479) 459-2838.

Thank you.

A handwritten signature in dark ink, appearing to be "Brett Abbott", written in a cursive style.



### ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location FORT SMITH PUBLIC LIBRARY

Meeting Time & Date MONDAY, NOVEMBER 18, 6:00PM

Meeting Purpose NEIGHBORHOOD MEETING - REZONING

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<u>BRETT ALBERT</u>	<u>- BLUE ROCK RESIDUAL BUILD</u>	<u>- 459.2838</u>
2.	<u>JOHN R STAUFFER</u>	<u>3300 DALLAS</u>	<u>479-461-4055</u>
3.	<u>Shane Selby</u>		<u>479-739-0440</u>
4.	<u>Ellen Selby</u>		<u>479.739.1034</u>
5.	<u>Jennifer Lockwood</u>		<u>479-883-4562</u>
6.	<u>Robert (Bert) Evans</u>		<u>479-459-5571</u>
7.			
8.			
9.			
10.			
11.			

\* EMAIL LAND USE MATRIX

## Andrews, Brenda

---

**From:** Brett Abbott <bluerockdesignbuild@gmail.com>  
**Sent:** Tuesday, November 19, 2019 9:52 AM  
**To:** Andrews, Brenda  
**Subject:** [EXT]MCFin attendance list  
**Attachments:** MCFin Rezoning - neighborhood meeting attendance.pdf

**CAUTION: EXTERNAL-EMAIL** This message originated from outside the organization. Please do not click on any links or open attachments unless you recognize the sender and know the content is safe.

Brenda,  
See attached and summary below:

A neighborhood meeting was held Nov. 18 at the FS Public Library at 6:00 PM. The attached list were the attendees. There were no neighbors in attendance - only family and friends of the owner. Brenda Andrews gave a brief background of what is currently going on at FCRA with the pending lawsuit and how it might affect the outcome of this project. We discussed the current and potential uses of all the buildings on the property and that once any new construction begins on future work it will likely trigger a walk-through with the city and possible upgrades to meet current city codes. There is no opposition to the proposed PZD rezoning.

--

**Brett Abbott**  
Blue Rock Design Build  
Licensed Architect and Builder

P.O. Box 1112  
Fort Smith, AR 72902  
**479-459-2838**

<https://www.facebook.com/bluerockdesignbuild/>



## Rezoning

7624 Taylor Avenue, 7501 & 7511 Collier Street, 12302 & 12306 Ward Street

Vietnam Veterans of America

Fort Chaffee Redevelopment

Terry Street

Ellis Street

Ward Avenue

by Avenue

Offices

Fort Chaffee Blvd

ush Ln

Fort Chaffee Boulevard

Trotter Electric

Darby Ave

Collier St

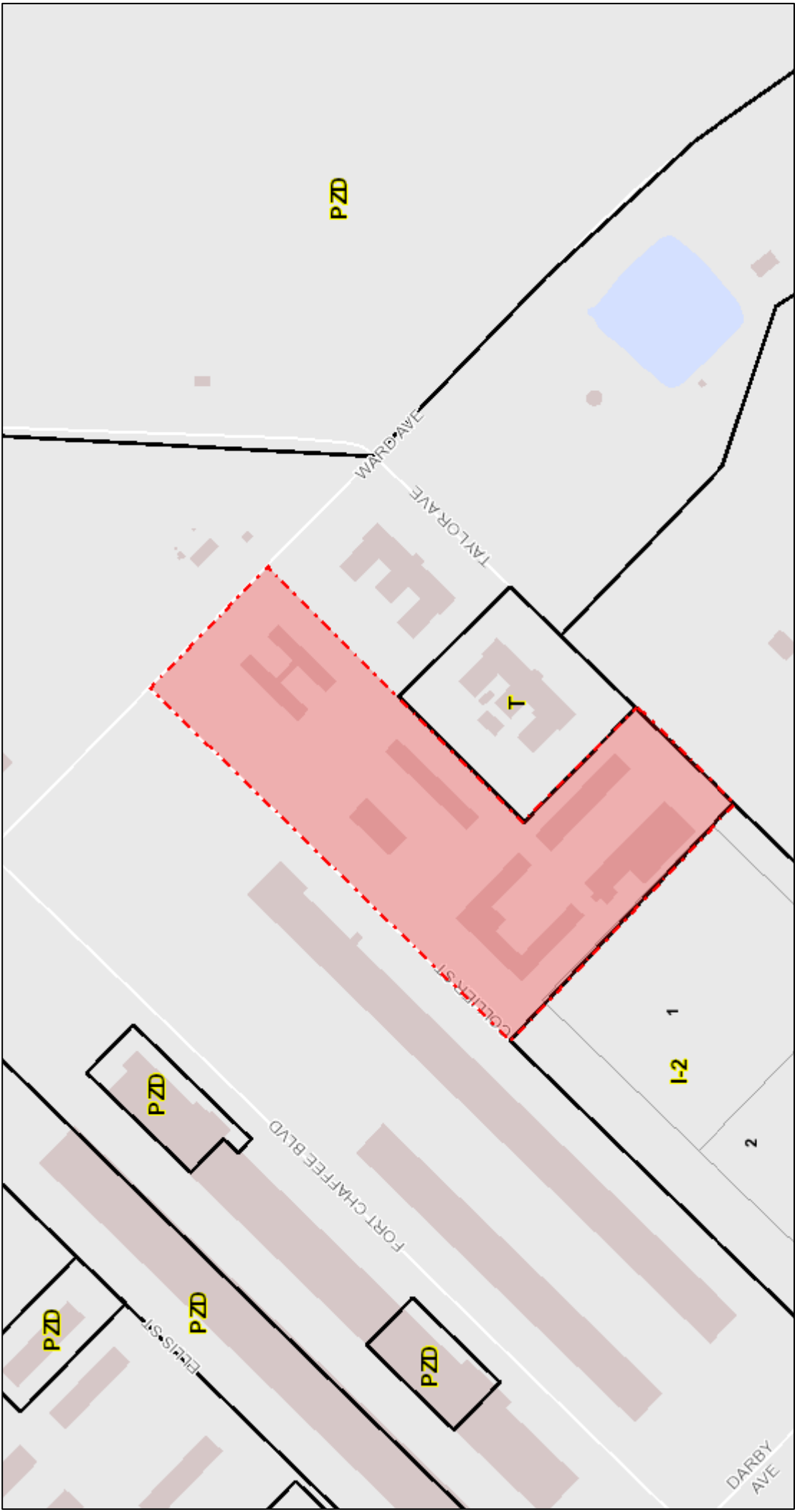
Taylor Ave

Google Earth

1000 ft

N

Rezoning#4-1-20: From Not Zoned to Planned Zoning District (PZD)  
7624 Taylor Ave, 7501 & 7511 Collier St, 12300, 12302 & 12306 Ward Ave



January 14, 2020

- Fort Smith City Limits
- Water Bodies
- Zoning
- Public Schools
- Subdivisions
- Parks



479.459.2838  
bluerockdesignbuild@gmail.com

## **Project Booklet**

**MCFin and Co.  
7624 Taylor Ave., 7501, 7511 Collier St., and 12300, 12302, 12306  
Ward Ave.  
Fort Smith, AR**

**Rezoning to PZD**

**October 25, 2019**

**Planned Zoning District  
Certification Statement**

Rebecca Evans, property owner of MCFin and Co., also known as 7624 Taylor Ave., 7501 & 7511 Collier St., and 12300, 12302 & 12306 Ward Ave. hereby certifies that the Project Booklet for a Planned Zoning District complies with the City of Fort Smith's Planned Zoning District Regulations as defined in Section 27-341 of the Fort Smith Unified Development Ordinance.

I hereby agree to the terms and conditions within the Project Booklet, and I therefore request the City of Fort Smith to approve the rezoning.

	10-25-19
Signature	Date



## **Project Booklet**

**MCFin and Co.**

**7624 Taylor Ave., 7500 & 7511 Collier St., 12300, 12302 & 12306 Ward Ave.**

**Planned Zoning District # (to be assigned)**

The proposed planned zoning district (PZD) for the property located at 7624 Taylor Ave., 7500 & 7511 Collier St., and 12300, 12302 & 12306 Ward Ave. in Fort Smith, AR will be permitted to utilize only the permitted uses as shown in the attached Fort Smith Use Matrix. (See attached Excel Chart)

### **MCFin and Co. – Planned Zoning District**

**7624 Taylor Ave., 7500 & 7511 Collier St., 12300, 12302 & 12306 Ward Ave.**

- 1.) The pre-application conference was held via telephone October 29<sup>th</sup> at 2:00 pm between Brett Abbott and Brenda Andrews
- 2.) The application fee of \$350 has been paid
- 3.) The project booklet has been submitted and comments are listed below:
  - a. *Reason (need) for requesting the zoning change and response to how the proposal fulfills the intent/purpose of the Planned Zoning District:* The property is not currently zoned. There is no construction proposed at this time. There are 4 existing structures on the property currently in different phases of leasing, storage, and private use. The proposed land uses shall fit in with the desires of the neighborhood and shall be restricted to allow only these types.
  - b. *Current ownership information (landowner/applicant and representative if applicable) and any proposed or pending property sales:* The current owner of the property is Rebecca Evans.
  - c. *Summary description of the scope, nature, and intent of the proposal:* There is no scope of work at this time as there is no proposed construction in conjunction with the rezoning.
  - d. General project scope:
    - i. Street and Lot layout – see attached survey
    - ii. Proposed Improvements – There are no proposed improvements at this time

- iii. There is no proposed development at this time; future development will comply with the landscaping and screening requirements of the UDO and Chaffee Crossing Master Development Guidelines
- iv. Storm water retention areas are not required – all drainage and detention will comply with the City of Fort Smith 2011 Drainage Standards
- v. Undisturbed areas – There is no construction proposed at this time
- vi. Utility connections are existing; no new connections are proposed for the addition
- vii. There is no new construction proposed at this time. Design standards will comply with the UDO 27-602 C – Transitional and Commercial building design standards. The existing structures on the site shall remain with no construction proposed at this time. All future construction will comply with the UDO and Chaffee Crossing Master Development Guidelines
- viii. There is no new construction proposed at this time. Design standards will comply with the UDO 27-602 C – Transitional and Commercial building design standards. The existing structures on the site shall remain with no construction proposed at this time. All future construction will comply with the UDO and Chaffee Crossing Master Development Guidelines
- ix. All future signage will be monument style and wall signs will comply with the UDO and Chaffee Crossing Master Development Guidelines
- e. *Proposed development phasing and timeframe:* There is no construction proposed at this time.
- f. *Identify land use designations:* The property is located just south of the Warehouse District with property adjacencies as follows: North – Collier Street, East – Ward Ave., South – Taylor Ave.
- g. *Identify area and bulk regulations:* Area and bulk regulations will be as follows: Minimum lot size = 22,500 s.f., Minimum lot width = 50', Maximum lot coverage = 60%, Minimum street frontage = 20', Front setback = 25', Side setback = 10', rear setback = 10', Maximum height = 20'. Minimum building separation shall be determined by the current building and fire codes
- h. *A chart comparing the proposed planned zoning district to the current zoning district requirements (land uses, setbacks, density, height, intensity, bulk and area regulations, etc.):* The property is not currently zoned – N/A
- i. *A chart comparing the proposed land uses and the zoning district(s) where such land uses are permitted:* See attached proposed land use chart
- j. *A chart articulating how the project exceeds the UDO requirements (ex. Increased landscaping, increased high quality materials on the façade, etc.):* The project will exceed the UDO requirements with only quality landscaping will be permitted and an irrigation system will be provided.



- k. *Statement of how the development will relate to the existing and surrounding properties in terms of land use, traffic, appearance, and signage:* The building will blend seamlessly into the surrounding development already present in this area. There will be minimal traffic impacts due to the development. The appearance will utilize high quality materials and landscaping. The proposed architectural elements will be similar in nature to the existing building and its surroundings.
- l. *A traffic study when required by the Engineering Department (consult with staff prior to submittal):* The new addition will not generate a large amount of additional traffic – the engineering department will not require a traffic study of this property
- m. *Statement of availability of water and sewer (state sizes of lines):* The existing structures are currently connected to city water and sewer lines and no new connections are required at this time.







[illegible]























